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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States Parties due in 1992

Addendum

ECUADOR

[11 June 1996]

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Ecuador: Basic indicators 1/

General

Land area	km^2	283,600
Population, 1994	thousands	11,220
Growth rate	annual percentage	2.0
Density, 1994	per km^2	40

Social indicators

Literacy rate, 1994	population aged 15 and over	88
Primary-school attendance, 1994	percentage of age group	92
Secondary-school attendance, 1994	percentage of age group	54
Mortality among children under 5, 1992	per 1,000 births	64
Maternal mortality rate, 1992	per 100,000 births	170
Unassisted urban births, 1992	percentage	20
Unassisted rural births, 1992	percentage	70
Vaccination against tuberculosis, 1994	percentage of children under 5	95
Vaccination against measles, 1994	percentage of children under 5	92
Vaccination against poliomyelitis, 1994	percentage of children under 5	91
Vaccination against diphtheria, 1994	percentage of children under 5	78
Number of inhabitants per doctor, 1990		957
Medical insurance (IESS), 1994	percentage of the population covered	11
Overall malnutrition, 1990	percentage of children under 5	34
Chronic malnutrition, 1990	percentage of children under 5	45
Incidence of vulnerability, 1994	percentage	52
Incidence of poverty, 1994	percentage	35
Incidence of extreme poverty, 1994	percentage	15

1/ Ecuador Poverty Report (World Bank, 1995).

Consumption by the poorest 40 per cent, 1994	as a percentage of total consumption	16
Consumption by the richest 20 per cent, 1994	as a percentage of total consumption	50

The economy

Per capita GNP, 1994	US$	1,299
GDP growth, 1994	percentage	4
Agriculture, 1994	as a percentage of GDP	12
Inflation, 1994	percentage (end of period)	25
Fiscal balance, 1994	as a percentage of GDP	0.5
Current account	as a percentage of GDP	-4.9

Summary

Ecuador is a country of 11,220,000 inhabitants (1994), some 45 per cent of whom are aged under 18. Between 10 and 20 per cent of the population are indigenous and there is a black minority, the bulk of the population being mestizo. Approximately 55 per cent of the population live in urban areas. The average annual population growth rate is around 2 per cent.

After the Ecuadorean oil boom of the 1970s, in the 1980s there began a process of adjustment which has had serious social repercussions. About 52 per cent of the population are poor.

Despite major achievements in recent decades in extending the coverage of health and education services, there are still a number of constraints.

Approximately 12 per cent of the population have no access to basic health services. Diseases characteristic of underdevelopment persist, along with a growing incidence of illnesses associated with urban and industrial development and environmental pollution. The mortality rate among children under 5 is approximately 64 per 1,000, the infant mortality rate is 45 per 1,000 and the maternal mortality rate is 170 per 100,000 births.

Education is confronting problems of quality, which is why many pupils drop out or repeat a school year; the illiteracy rate is in the region of 12 per cent.

There is acute inequality in access to public services, which particularly affects the indigenous rural population.

In the past, the question of children received little attention in Ecuador. Nonetheless, it should be recognized that for a number of years noteworthy initiatives have been taken to focus public attention on the question. These measures, whether public or private, reflect a recent upsurge of concern within society for children and young persons, which has resulted in significant achievements for them.

The progress made has essentially been in the form of the ratification of international instruments for the protection of the rights of children (such as the Convention on the Rights of the Child), the signing of the World Declaration on the Survival, Protection and Development of Children in the 1990s, the preparation of the National Plan of Action for the Survival, Protection and Development of Children in the 1990s, the adoption of a New Children's Code (compatible with the letter and spirit of the Convention) and of the relevant regulations, the establishment of an Ecuadorean Standing Forum of Organizations for and of Children and Young Persons, and the efforts currently being made by the Technical Secretariat of the Social Front to establish an information system for follow-up on commitments made and the redefinition of policies.

Ecuador possesses a body of law to protect the rights of children that contrasts sharply with an actual situation in which all the guarantees for

their realization do not exist. The implementation of the law encounters obstacles of a social, economic and political nature which impede the full observance of children's rights.

Concepts, methods of work, institutional structures and styles of management which considerably restrict the effectiveness and efficiency of programmes prevail in the institutional sphere, obstructing the new child-centred ethic proposed by the Convention. This is the case in both the governmental and non-governmental sectors. Fortunately, there are undeniable signs of a growing concern and a new debate about these shortcomings.

The management of social affairs is encountering obstacles linked to the gradual reduction of budgets for this sector, the inadequate training of human resources, excessive centralization, the lack of continuity in policies, programmes and projects, and poor planning and evaluation. Programmes are allocated limited means to optimize and modernize the services they provide.

The diversity of public and private institutions responsible for determining policies for children and for the implementation of programmes and projects has given rise to problems of dispersal, coordination, overlapping and continuity. This had led to a growing desire for a body capable not only of coordinating national measures in support of children, but also of promoting and defending their rights. The National Council on Children at present appears to be the body most suited to this task.

The recommendations made in this report are intended to: forge closer links between economic and social policy, by making provision for measures to achieve greater equity in the distribution of wealth; propose ways of more directly exercising representative democracy; define mechanisms to implement the Children's Code; amend and enhance concepts, working methods, and management structures and styles in the social sector; achieve adequate and timely allocation of funds, the training of human resources and the provision of material resources; develop a social information system to permit follow-up by both the governed and those who govern; disseminate knowledge of the Convention; and foster civic commitment to the rights of children and young persons.

The Convention on the Rights of the Child represents a new paradigm that has to overcome serious constraints if its execution is to be viable. The spirit of the Convention and the Children's Code is still remote from daily life, but it has given us a reminder that children's issues should no longer be viewed as matters for public welfare or charity, but as channels of development.

Introduction

1. In 1924, the League of Nations adopted the Declaration of the Rights of the Child. In 1959, basing itself on this Declaration, the United Nations adopted the Declaration of the Rights of the Child. During the International Year of the Child (1979), the United Nations decided to begin work on drafting a convention on the rights of the child. The need for such an instrument derived from the fact that the Declaration is a public expression of the need to recognize special rights of children, implicitly suggesting that nations and individuals should make an ethical and moral commitment to children and young persons. The Convention, on the other hand, is a pact between countries which imposes legal commitments on those that ratify it. From a declaration of the importance of the rights of boys, girls and young persons there emerged a convention on the need to work towards their full realization.

2. The drafting of the Convention on the Rights of the Child took 10 years of arduous consultation among countries. This lengthy process was attributable to the desire for an instrument that would encompass the different legal traditions of our time and would respect the cultural differences between all the world's peoples.

3. The text of the Convention was ready in 1989; it came into force under international law in September 1990 following the deposit of the twentieth instrument of ratification or accession with the Secretary-General of the United Nations. By 1995, a total of 182 countries had ratified the Convention. Its goal is universal ratification, an achievement that would mark an unprecedented milestone in the history of mankind. As only nine countries have still to ratify the Convention, the goal appears to be within reach.

4. At the present time, the Convention represents a virtually universal consensus on the minimum requirements to ensure the survival, well-being, development and participation of boys and girls.

5. This international legal instrument urges countries to guarantee the fundamental rights of children and establishes a mechanism to oversee its implementation, through the submission of country reports to an international follow-up committee set up specifically for that purpose.

6. Ecuador was the first country in Latin America, and the third country in the world, to ratify the Convention (March 1990). The Convention came into force for Ecuador at the same time as it entered into force internationally (September 1990). As article 44 of the Convention requires countries to submit their official reports within two years of the date of entry into force of the Convention, Ecuador should have submitted its report in September 1992.

7. Regrettably, it has to be admitted that we are more than three years late in complying with this obligation. This is due primarily to ignorance of the Convention and of the commitments deriving from it, the absence - in the immediate past - of a body to coordinate children's issues and monitor the rights of children and young persons, the dispersal of information and a limited tradition of reporting, particularly on social issues. As the duty to submit periodic reports still applies and there is a need for permanent

monitoring to furnish guidelines for the definition of policies and activities, responsibility for this task should be entrusted to an agency, which could well be the National Council on Children.

8. In the meantime, the Technical Secretariat of the Social Front,2/ has assumed responsibility for preparing the first official report on the implementation of the Convention on the Rights of the Child in Ecuador.

9. Far from being exhaustive, this report provides an overview of the situation of the rights of children and young persons in Ecuador. It first gives a general description of the economic, political and social situation. It then analyses the situation of the rights of the child, gives an account of the current situation (with indicators where possible), comments on the main achievements and constraints affecting compliance with the law, and offers a number of specific recommendations intended to strengthen enforcement of the law. Lastly, it contains a general outline of the main conclusions to be drawn and the measures which the State and society must take in the future to further the process of guaranteeing the rights of children and young persons. The official report is an eminently qualitative document, since the Convention is a legal instrument that does not set specific goals. Ecuador's targets for the decade were set by the Plan of Action for Children. The Technical Secretariat of the Social Front is in the process of quantifying the attainment of the Plan of Action's medium-term targets. This work and the report are therefore complementary.

10. The information contained in this document is drawn from bibliographic sources, and also from interviews with key respondents.*/

11. As implied above, the report fulfils a dual function: (a) to comply with the commitment deriving from the Convention to submit a report to the Committee on the Rights of the Child; and (b) to initiate a broad national debate on the rights of children and young persons and the tasks to be performed in the short term to ensure their realization.

12. Since this is a country report, the achievements and constraints in the realization of the rights of children are the joint responsibility of the State and civil society. The recommendations are accordingly intended for the various public and private bodies involved in the everyday lives of Ecuador's children and young persons.

2/ A government department, established in October 1994 to coordinate action by 10 government institutions in the social sector: The Ministries of Education, Health, Social Welfare, Labour and Human Resources, Agriculture and Livestock, Urban Development and Housing, Public Works, the Emergency Social Investment Fund, the National Development Council, the Secretariat for Indigenous Affairs and an NGO, the National Institute for Children and the Family (INNFA), whose chairperson is the First Lady and which is funded by the State.

*/ The bibliography and list of persons interviewed are available for consultation in the Secretariat.

13. In 1992 and 1994, Defence for Children International and the Ecuadorian Standing Forum of Organizations for and of Children and Young Persons each prepared and submitted unofficial reports to the Committee on the Rights of the Child. Those reports may, with certain reservations, be used as supplements to the official report.

I. NATIONAL SITUATION

A. General considerations

14. Ecuador is the smallest of the Andean countries. It had a population of 11,220,000 in 1994, nearly 45 per cent of whom were under 18 years of age; an estimated 10-20 per cent of the population was indigenous, a small percentage was black and the majority were of mixed ancestry.

15. With regard to geographical distribution, 55 per cent of the population live in urban and 45 per cent in rural areas. The average yearly growth rate of the population is about 2 per cent, the urban growth rate is 3.8 per cent and the age dependency ratio is 75.6 per 100 persons of working age; this indicates a population composed primarily of young persons with a high fertility rate and in a continuous process of urbanization. Life expectancy at birth is 69 years.

16. Ecuador is a democratic country with three powers: the Executive, which is exercised by the President of the Republic and the Ministers of State appointed by him; the Legislature, which is in the hands of a Congress made up of national and provincial deputies elected by direct suffrage every four and two years respectively; and the Judiciary, which is administered by a justice system headed by the Supreme Court, whose judges are appointed by Congress.

17. Ecuador's foreign debt stands at about US$ 13 billion. Over the past few years, nearly 20 per cent of the State's general budget has been allocated to interest payments on, and repayment of, that debt. Per capita income in 1994 was US$ 1,299.

B. Economic background

18. Over the past few years, Ecuador has undergone a profound economic transformation. It has changed its political model and has been incorporated in the international process characterized by growing economic globalization and internationalization.

19. The Ecuadorian oil boom of the 1970s, which provided the necessary resources for implementation of a "developmentally-oriented" model, was followed in the 1980s by a process of economic adjustment and liberalization which encouraged macroeconomic stability. The adjustment measures were costly in social terms but made possible the partial achievement of certain macroeconomic goals. The process involved the gradual replacement of interventionist management by the implementation of various market-based policy instruments such as reduction of public spending, financial deregulation, liberalization of foreign trade and public sector reform.

20. Social policies gradually lost their function of redistribution and compensation for the adjustment process, on the basis of substantial State subsidies, and no longer involved direct investment aimed at job creation and preservation. The crisis of the 1980s led to a major restriction and reorientation of social spending, made it necessary to direct policies towards the elimination of general and specific subsidies, and increased the tax burden.

21. Since 1990, the Ecuadorian economy has been engaged in a process of greater economic liberalization. The inauguration of the current Government (in August 1992) was accompanied by a strengthening of the process of economic liberalization begun in the early 1980s: greater efforts were made to control the money supply, reduce the fiscal deficit, float the price of currency, liberalize prices of goods and factors, eliminate subsidies and liberalize foreign trade.

22. In order to attain this goal, the price mechanism was strengthened, financial deregulation was intensified and the process of restructuring the civil service was initiated. The policy measures package characterizing the 1990s amounted to three major reforms:

(a) Monetary reform: reduction of inflation and internal and external financial liberalization;

(b) Fiscal reform and deficit reduction;

(c) Liberalization of foreign trade (and domestic prices).

C. Political background

23. Ecuador is characterized by the persistence of a political culture with insufficient public participation, and so broad sectors are excluded.

24. In the late 1970s, modernization of the political system began with the adoption of a revised version of the 1945 Constitution and a new Act relating to political parties and elections. The proposed system would democratize politics and generate new concepts of public participation through a party system dependent upon public resources.

25. The initial moves to dismantle the State's interventionist role in the 1980s dealt a blow to the proposed strategy of political modernization. The parties were losing legitimacy owing to their inability to channel social demands and to achieve coherent mediation between the State and civil society. There was an increase in the levels of conflict between political parties, even those with similar ideologies and programmes, the period being characterized by over-politicization.

26. A pattern of consensus has been developing over the past few years, but the national political system has been unable to translate it into action. Political agreements are not established in an explicit and transparent manner which would bring about a change in political management.

27. The most recent democratic phase, begun in 1979, has revealed a State whose powers are in constant conflict. Of particular notoriety have been the crises caused by disagreements between the Executive and the Legislature. Radical opposition to all proposals and initiatives of the Executive, regardless of their usefulness, emerges as the most frequently-used tool of policy-making in the country. A reactive, rather than proactive, mindset persists.

28. The traditional social organizations, centred on universal referents such as class, are weakening; however, the contradictions generated by inequality remain the basis for the organization of society. Social movements targeting gender and ethnicity have burst upon the scene, each with its own particular demands. The community, for its part, has limited itself to expressing its discontent and making calls on the Government, frequently resigning itself to the lack of adequate responses. This has weakened the normal mechanisms of public participation.

29. The country is currently faced with a crisis of legitimacy of its representative institutions and with a leadership vacuum; its citizens do not feel adequately represented. This is encouraging the emergence of "independents" on the political scene, as a sign of the search for a solution to the crisis.

30. The current Government has promoted activities designed to change this system through two referendums, the results of which were determined by the traditional political strategy of legitimation or rejection of the Government, rather than by a clear message from the electorate concerning the central issues of the reforms called for.

31. In the circumstances described above, governance has against become a critical issue. These factors place limitations on the consolidation of activities aimed at the achievement of long-term objectives.

D. Social background

32. The Ecuador Poverty Report produced by the World Bank in 1995 states that about 52 per cent of the population of Ecuador is poor. Approximately 12 per cent of the population has no access to basic health services. Infectious diseases such as malaria, dengue, cholera and tuberculosis continue to exist. The infant mortality rate is approximately 45 per 1,000 and the maternal mortality rate is approximately 170 per 100,000 births.

33. There is a shortage of habitable dwellings: in 1993, about 40 per cent of the population had no access to drinking-water and 45 per cent had no access to sewage removal.

34. Despite major progress in access to basic education, repetitioun and drop-out rates remain very high. The illiteracy rate is around 12 per cent, and functional illiteracy is a growing concern.

35. It should be noted that this overview does not reveal the striking differences between areas (urban and rural), the sexes, regions, provinces and social strata, which are signs of the great inequity in access to, and provision of, public services.

36. During the economic crisis, there was a considerable reduction in spending on social policies, which resulted in a deterioration of the quality and coverage of State social services. This decline in spending coincided with a reduction in the real income of the population. There was, therefore, both an increase in the demand for public services (as a result of the drop in real income) and a decrease in their availability (as a consequence of diminished resources).

37. In the early 1980s, social spending accounted for a major part of the State budget: spending on social welfare, education, health, drinking-water and environmental sanitation accounted for 12.1 per cent of GDP. However, State spending on the social sector in 1993 accounted for only 5.18 per cent of GDP; since 1981, systematic (with some variations) budget restrictions have been reflected in reduced social spending. The indications of macroeconomic stability as a result of the implementation of the current Government's economic policy will probably halt this downward trend in the coming years.

E. Ecuador and the rights of the child

1. Background

38. The issue of children has traditionally had a low profile in Ecuador. Despite the magnitude of the problems faced by children and young persons, they have not, in practice, been given the priority needed for the exercise of their rights.

39. There are serious problems associated with the development of activities stemming from recognition of the importance of, and ethical commitment to, children.

40. Respect for the rights of children is possible only within a society which is aware of, and respects, human and civil rights, and it must be acknowledged that these issues receive little publicity and are not widely accepted by the population. The task of guaranteeing the rights of children is no different from that of guaranteeing those of groups such as women, indigenous people, the poor and the disabled and requires a systematic programme involving various types of education.

41. Nevertheless, interesting projects aimed at increasing public interest in issues relating to children have been developed for several years now. These projects, both public and private, are signs of a recent social movement whose activities have resulted in major achievements in support of children.

42. These achievements have mainly taken the form of ratification of international instruments for the protection of the rights of children (such as the Convention on the Rights of the Child), the signing of the World Declaration on the Survival, Protection and Development of Children in the 1990s, the development of a National Plan of Action for the Survival,

Protection and Development of Children in the 1990s, the adoption of a new Children's Code (compatible with the letter and spirit of the Convention) and accompanying regulations, the formation of the Ecuadorian Standing Forum of Organizations for and with Children and Young Persons, and the Technical Secretariat of the Social Front's current effort to establish an information system which will make it possible to follow up on commitments made and redefine policies.

43. However, the achievements in terms of legislation and regulations have been insufficient and, as a result, there has been little progress in the task of translating major national policy statements into specific activities to improve the daily lives of children. The State, civil society and families are equally responsible for the few existing programmes to benefit children.

2. The Convention on the Rights of the Child

44. Ecuador was the first country in Latin America and the third in the world to ratify the Convention on the Rights of the Child. However, this ratification was the result of a decision by political leaders who had not given sufficient consideration to the implications of the commitment made.

45. The need to give priority to children is not a matter for discussion. What has been and continues to be important is the need to discuss mechanisms for implementing the national and international agreements intended to benefit children. Only in that way will it be possible to seek ways of fulfilling those commitments.

46. In concrete terms, the major consequence of ratification of the Convention has been the adoption of legislation, including a Children's Code and accompanying regulations, which reflect the Convention in both letter and spirit. The Convention has been an important benchmark for the processes of social mobilization and children's participation generated by the Working Child Programme sponsored by the Central Bank and for the individual activities carried out by the Ecuadorian Standing Forum of Organizations for and with Children and Young Persons, a number of NGOs and the Technical Secretariat of the Social Front with the aim of providing clear institutional guidance on matters relating to children.

47. The Convention is not well known at the national level and only recently has it begun to inspire child-related policies, plans and programmes and reforms of institutions, concepts, methodologies and management.

48. As a result of its accession to the World Declaration on the Survival, Protection and Development of Children in 1990, Ecuador developed a National Plan of Action for Children. Apart from the question of the Plan's possible reductionist implications for the overall issue of the rights of the child, it is important to recognize this national effort to establish the concrete objectives of improving the survival, protection, development and participation of children and, ultimately, seeking effective solutions to the problem of ensuring the exercise of those rights.

49. This effort must now be complemented by the realization that priority must be given to guaranteeing ALL the rights of ALL children and young persons and by the establishment of the additional requirements implied by this concept.

3. National Plan of Action for the Survival, Protection and Development of Children in the 1990s

50. In December 1991, the Government of Ecuador adopted the draft of the National Plan of Action, which had been developed by the State, civil society, NGOs, trade unions, international cooperation agencies, the media, and children and young persons themselves. The Plan was the result of a high level of national consensus involving broad participation.

51. The current Government recognized the Plan as a national priority by presidential decree in early 1993. This decree made the Minister for the Social Front, the Minister of Finance and the National Institute for Children and the Family responsible for implementation of the Plan. The National Development Council's General Secretariat for Planning was made responsible for follow-up to, and evaluation of, the Plan. In addition, the mandate of the Committee on the National Plan of Action, which had been set up to formulate the Plan, was extended.

52. This Committee is responsible for receiving and approving the follow-up reports on the Plan, informing the authorities and the country at large of the activities undertaken, monitoring the allocation of adequate resources for the implementation of Plan programmes and projects, and carrying out the necessary publicity campaigns. Lastly, it has been stipulated that the allocation of resources for implementation of the Plan shall be given priority in the preparation of the National Development Council's Annual Investment Plan.

53. The National Plan of Action established diagnoses, objectives, strategies and projects in the areas of education, health, water supply, sanitation, nutrition and children living in especially difficult circumstances.

54. The Plan is being implemented in part by the institutions of the Social Front and by NGOs. The Office of the Secretary-General for Planning carries out limited follow-up to the Plan, and there is no evidence that it has been able to guarantee priority for the allocation of resources for its implementation. The Committee on the National Plan of Action has not met since the adoption of the Plan, and therefore its responsibilities are not being met.

55. Some of the constraints on implementation of the Plan relate to the fact that it was closely linked to the Government in power at the time of its development and to a policy of public spending, and was oriented towards civil society. Another problem stems from changes in the management and staff of public institutions, as a result of which the Plan is unknown to the new officials. Still another obstacle to be overcome is the lack of a permanent system for following up on the Plan's objectives. In that regard, the Technical Secretariat of the Social Front has begun setting up an integrated

system of social monitoring indicators which has made it possible to begin collecting and processing information for the development of a monitoring subsystem for the Plan.

56. The current Government's establishment of new economic and social objectives has deflected the attention and energy originally focused on the Plan. An initial analysis of the social indicators defined for Plan follow-up at the regional level shows the progress made and the country's difficulties in achieving the medium-term goals.

57. Following approval of the National Plan, Ecuador embarked upon the difficult and relatively unsuccessful process of establishing local plans of action in a number of provinces. The advantages of this process lie in its more direct link with reality and the local authorities, and in the generation of forums for dialogue, debate, coordination and consensus at that level. However, its principal limitation is the inability of municipalities and regional governments to define social policies and manage projects on account of the excessive centralization which continues to prevail in public administration.

58. The National Plan of Action is, and will continue to be, an important programmatic benchmark with regard to children. In fact, many of its proposals have been incorporated into the current Government's proposed Agenda for Development and will be included in the development programmes of future Governments. It is also an important model to be used in generating consensus, an indispensable process in the establishment of long-term public policy.

II. ACHIEVEMENTS, CONSTRAINTS AND RECOMMENDATIONS RELATING TO THE IMPLEMENTATION OF THE RIGHTS OF THE CHILD

59. The Convention on the Rights of the Child is the most comprehensive legal instrument for understanding and addressing the situation of children at the close of the twentieth century. Its provisions cover civil, political, economic, social and cultural rights that imply the need for profound changes in the perception of the child and of how to approach and establish policies that determine their living conditions.

60. Owing to the complexity of the analysis of the enjoyment of each of the rights set forth in the Convention and the need to group them on the basis of a logic that facilitates the formulation of integrated recommendations avoiding the compartmentalization which has traditionally characterized the approach to children's issues, we have opted to define four key categories of policies deriving from this commitment to children: policies guaranteeing rights, comprehensive care policies, protection policies and child participation policies.

61. Policies that guarantee rights are those that provide for general measures to implement the Convention. We have included in this group general principles relating to the definition of the child, the right to non-discrimination and the best interests of the child, as well as legislative, political and administrative measures to extend, enforce and oversee implementation of the Convention.

62. Comprehensive care policies include universal policies to guarantee the child's all-round development in terms of health, well-being, nutrition, social security, affection, stimulation, education, recreation, cultural activities and certain specific rights concerning his or her family environment. It should be made clear, however, that the role and importance of the family are not confined to this area, but cut across all the proposed categories.

63. Protection policies include general measures to protect children in view of their vulnerability and immaturity, or specific measures for groups of children suffering serious violations of their rights, such as abandonment, child labour, sexual abuse and mistreatment.

64. Participation policies are those which emphasize the strengthening of the new paradigm of the child which the Convention seeks to introduce in all areas relating to the child: public policy, legislation, school and the family. This proposal recognizes children as subjects endowed with rights, active participants in the events which affect their lives and the life of their community, and important social actors in defining their present and future. It is in this context that certain rights such as freedom of expression, access to relevant information and freedom of association and peaceful assembly are analysed.

65. Below is a summary of the principal achievements, constraints and recommendations for our country with respect to the implementation of the rights of children and young persons.

A. Policies guaranteeing rights

1. Definition of the child (art. 1)

(a) Situation

66. The Children's Code defines a minor as any human being from the prenatal stage to the age of 18 years. The Constitution defines citizens as persons over the age of 18. Persons under the age of 18 are exempt from criminal responsibility. In no circumstances may a child under the age of 12 be deprived of liberty. Persons under 18 may not marry without the express consent of the person having parental authority over them. Children under 14 are not allowed to work as employees. The age of recruitment for military service is 18. The health legislation provides that children under 15 shall be treated in children's hospitals.

67. The age-limit established by law does not coincide with the cultural context, in which puberty marks the end of childhood. The definition of the child in the Convention is not very practical because of the significant differences between the issues of the survival, development, protection and participation of children, on the one hand, and young people, on the other. At the national level, these differences have not been considered in the definition of policies, programmes and projects, with the result that there is a serious deficiency with respect to young people.

(b) Achievements

68. Considerable efforts have been made to establish, in national legislation, different age-limits with respect to areas such as exemption from criminal responsibility, deprivation of liberty, sexual abuse, employment and the views of the child on issues such as fosterage, adoption and ownership of property.

69. Under the constitutional reform process, the Ecuadorian Standing Forum of Organizations for and with Children and Young Persons has formulated a series of proposals. It emphasized the proposal that all Ecuadorians be considered citizens with the same rights and obligations except the right to vote and to be elected to public office, which is restricted to persons over 18. Unfortunately, Congress rejected the possibility of recognizing the citizenship of children and young persons as a social group.

(c) Constraints

70. Certain legal provisions on age-limits are not always observed, as in the case of child labour. No penalties are established for violation of these provisions.

71. Generally speaking, regardless of formal or physiological limits, our culture lengthens the period of childhood in relation to participation and shortens it in relation to the early assumption of adult responsibilities such as work. Both practices are harmful to the child's development as a subject endowed with rights.

(d) Recommendations

72. At the national level:

(a) Collate all legal provisions relating to age-limits and determine the principal gaps with a view to proposing provisions to protect children;

(b) Propose reforms of all relevant laws to make them consistent with the principles of the Convention;

(c) Require that penalties be established for failure to respect those provisions (as in the case of work performed by children under 12);

(d) Design and implement a system of education and training on the rights of children and young persons to guarantee their enforceability;

(e) Analyse the main differences among the respective situations of boys, girls and young persons and propose differentiated strategies, policies and programmes.

2. General principles

(a) Non-discrimination (art. 2)

(i) Situation

73. The rights set forth in the Convention are not widely known in Ecuador. It is difficult to ensure the implementation of a commitment which is not known, and though knowledge in itself is no guarantee of implementation, it is an important first step.

74. The Ecuadorian Constitution establishes equality before the law. It prohibits all discrimination on grounds of race, colour, sex, language, religion, political or other affiliation, social origin or financial status or birth. The Ecuadorian State has been unable to ensure the implementation of the rights of all children without distinction; there are problems with discrimination, particularly on the basis of differences in ethnicity, gender or economic status or disabilities.

(ii) Achievements

75. The National Office for Women has prepared a National Plan of Action of Ecuadorian Women aimed at achieving equality between women and men. Its strategic areas are gender equity, social integration, reduction and alleviation of poverty among women, participation of women in decision-making and the exercise of power, and human rights, peace and violence.

76. The Secretariat for Indigenous Affairs has also designed and begun to carry out plans to foster the development of indigenous communities. The National Council on Disabilities has drawn up its own plan and has successfully lobbied for the adoption of laws protecting disabled persons.

77. A recent constitutional reform included the prohibition of discrimination on grounds of age. As part of this reform, it was stipulated that the Ombudsman's Office should operate with responsibility for safeguarding and promoting observance of the fundamental rights established by the Constitution.

(iii) Constraints

78. Because of deeply-rooted cultural views within society, and also the prevailing power structures, the indigenous and black communities, women and disabled persons are disadvantaged.

79. In the action plans for women, indigenous persons and disabled persons, child-related questions are hardly touched on, and the specific needs for child-related activities are disregarded. These social movements appear to have other priorities.

80. Other less visible problems of discrimination are still not dealt with (in the religious sector, for example, limitations imposed by some Catholic

schools on the admission of children of divorced parents, non-baptized children, pregnant teenagers), which clearly shows that there is very often arbitrary differentiation to the detriment of boys and girls.

81. There is a general tendency to ignore the problem of discrimination.

82. Poverty would appear to be the source of greatest discrimination. While many of the rights of non-poor boys and girls are guaranteed, poor people are unable to guarantee to their children even the most basic rights relating to their survival, and there is no law capable of changing the situation.

(iv) Recommendations

83. At the national level:

(a) Work with the National Office for Women (DINAMU), the Secretariat for Indigenous Affairs (SENAIN) and the National Council on Disabilities (CONADIS) on the introduction of strategies, policies and programmes relating to children, in order to ensure that the best interests of boys and girls are accepted as a priority of various social movements;

(b) Develop affirmative-action strategies for poor, indigenous and disabled boys and girls to ensure priority realization of their rights;

(c) Develop educational courses which highlight the reality of discrimination in Ecuador (in its various forms and dimensions), and also its effects on personal and national development, in the short and long terms;

(d) Submit to the Constitutional Guarantees Tribunal a set of model demands that establish precedents in relation to various types of discrimination;

(e) Establish a network of public institutions for the purpose of guaranteeing the rights set forth in the Convention, and also enforcement mechanisms;

(f) Strengthen reporting mechanisms to cover discrimination of any kind, and establish new mechanisms.

(b) The best interests of the child (art. 3)

(i) Situation

84. National legislation reflects the question of the best interests of the child in several respects, such as measures to be taken by administrative, institutional or legal authorities. The right of preference, set forth in the Children's Code, is another provision guaranteeing the best interests of the child.

85. These provisions have had almost no effect on the lives of boys and girls. There is no evidence that since the entry into force of the new Code the juvenile justice system, the State or civil society has taken any decision based on this principle.

(ii) Achievements

86. The organizations working in various ways with boys and girls have taken as their guiding principle the best interests of the child. This had led to the review and redefinition of a number of proposals in which other interests predominated (the institution concerned, alternatives, research, funding sources, etc.). These NGOs are beginning to understand that the best interests of the child is a concept and subject of action which goes beyond any other consideration or interest.

87. Beginning to think today about the best interests of the child means tackling situations of all kinds, such as planning national development on the basis of a broad enhancement of his right to life and to anything that benefits his physical, intellectual, emotional and social well-being, and maintaining this priority over all others, or backing the effort of a poor family who decide to support their children in order to enable them to complete their secondary education, instead of leaving school to work, because this gives them more possibilities of escaping from poverty in the future.

88. A recent constitutional reform stated: "Children have the right to the protection of their parents, society and the State in order to ensure their life, physical and psychological integrity, health, education, identity, name and nationality. They shall be consulted in accordance with the law, and protected in particular against abandonment, physical or moral violence and exploitation at work. Their rights shall prevail over the rights of others".

(iii) Constraints

89. This principle has not been sufficiently reflected in policy definition, resource allocation, programme execution or the administration of justice. At the national level there has been no debate on the meaning, scope and implications of the best interests of the child. This precept has implications for the policies, strategies, priorities and resource allocation not only of the State, but also of civil society and families.

90. For families, and also for the State, the needs of children are important, but do not have priority, and continue to be perceived as needs and not enforceable rights.

(iv) Recommendations

91. At the national level:

(a) Develop and strengthen pressure and demands on the State for inclusion in the definition of policies, action plans, programmes and resource allocation, activities which guarantee the right of children to the fullest all-round development;

(b) Establish mechanisms to enable individuals to propose to the authorities and execute activities designed to protect children's rights which are violated;

(c) Initiate discussions to analyse the scope and implications of this precept for the various agencies;

(d) Give effect to the concept of the best interests of the child in public institutions and promote the introduction of relevant regulations in various sectors (education, health, etc.).

92. At the provincial and local levels: Develop and strengthen pressure and demands on the State to execute activities which guarantee the right of children to the fullest all-round development.

93. At the community level: Develop ongoing information and training activities to ensure that the best interest of the child is a concept embodied in the everyday lives of families, schools and neighbourhoods.

3. General measures of implementation

(a) Adoption of measures for the implementation of the Convention (art. 4)

(i) Situation

94. In the legal sector: The Children's Code, which was approved in August 1992, reflects the content and spirit of the Convention. The regulations for the implementation of the Code were approved in June 1995.

95. In the administrative sector: There are numerous institutions responsible for the definition of policies on children and/or the management of programmes: Ministry of Education, Ministry of Health, Ministry of Social Welfare, Institute for Children and the Family. The National Council on Children (CONAME), established by the Code as the coordinating body responsible for policy, began to operate on a permanent basis as from October 1995. The administration of juvenile justice is the responsibility of the Ministry of Social Welfare. In recent years, the State has proved deficient in its ability to provide resources, direct policy and manage services in this sector.

(ii) Achievements

96. In the legal sector: Ecuador has a legal framework designed to guarantee the fundamental rights of children. The process of broad consultation and social participation by means of which the Code was drafted marked an important national milestone in the formulation of legislation. Its content has served as a model for legislation on minors for other countries of the region.

97. In the administrative sector: The entry into operation of CONAME on a more stable basis constitutes an important step forward. Growing inter-agency coordination has led to progress in the management of policies, programmes and projects relating to children. Strategies decentralizing the administration of the public health services, local health and education systems, and formative educational centres stand out as more appropriate mechanisms for progress. These areas should be used more effectively for the promotion and realization of the rights of the child.

(iii) Constraints

98. In the legal sector: The Code suffers from a number of constraints:

(a) Non-existence of regulations for almost three years;

(b) Lack of mechanisms to guarantee the enforceability of rights;

(c) Juvenile justice system unsuited to the established institutional structure;

(d) Insufficient juvenile courts;

(e) Insufficient training of juvenile court judges;

(f) Lack of financing machinery and public participation;

(g) Lack of definition of decentralized mechanisms for application of the Code;

(h) General public ignorance of laws protecting children;

(i) Reduced social demand for realization of the rights of children.

99. In the administrative sector: Only recently has the Convention begun to be an important benchmark for the definition of policies on children. The constraints are:

(a) Non-existence of a body to coordinate policies and programmes of an autonomous and supra-ministerial character;

(b) Limited profile of public institutions responsible for the protection and rehabilitation of children;

(c) Steady decline in financial resources for the social sector, and children in particular;

(d) Non-existence of a national body to follow up and oversee implementation of the Convention;

(e) Lack of continuity in policies. This occurs from one Government to the next, and even within the same Government because of frequent changes in the officials responsible for the social sector. In the last four years, for example, there have been four Ministers of Education, three Ministers of Social Welfare and three Ministers of Health.

(iv) Recommendations

100. At the national level:

(a) In the legal sector:

(i) Initiate a review of the Code in order to propose and effect reforms which enhance its implementation and the enforceability of rights;

(ii) Establish and execute plans for training, instruction and continuing education in the rights of the child, of an integral and cross-disciplinary character, both for juvenile court judges and for professionals in the social sector;

(iii) Initiate a reform of the system of juvenile justice with the aim of developing a greater capacity to guarantee the rights of children more efficiently and effectively;

(b) In the administrative sector:

(i) Work on the strengthening of an authority and a legitimate social policy vis-à-vis society and the State, capable of playing a proactive role in the allocation of resources and reduction of poverty;

(ii) Proceed with the restructuring of all public institutions involved in the all-round protection of children;

(iii) Establish a national system for the protection of children and grant it the financial resources it needs in order to function;

(iv) Ensure that CONAME achieves financial autonomy in order to perform its pivotal role in the area of policy. It should be strengthened as a coordinating body for the formulation, execution and follow-up of action plans;

(v) Incorporate the commitments deriving from the Convention in national development plans;

(vi) Develop processes which enable the Convention to be adopted as policy of the State and not only of the Government;

(vii) Seek inter-agency coordination and rationalization of activities in the light of the Convention;

(viii) Promote organization of international and bilateral cooperation within the context of the Convention;

(ix) Establish mechanisms to enable the Convention to be adopted as State policy.

101. At the provincial level: Increase the number of juvenile courts in the light of the number of cases.

102. At the local level:

(a) Establish ombudsman's offices for children in order to oversee the realization of rights and to take action in the areas of publicity, training, protection, etc;

(b) Develop ongoing publicity and social mobilization campaigns in support of the rights of the child.

(b) Measures taken to make the principles and provisions of the Convention widely known (art. 42)

(i) Situation

103. Awareness of the principles and provisions of the Convention is very limited, being confined to governmental and non-governmental organizations working in child-related fields, and varies greatly. The Convention has not been published in any of the indigenous languages.

104. Awareness is just beginning to develop in the urban communities, thanks to public mobilization campaigns. However, there are no studies of the actual impact of these campaigns.

105. The limited awareness of the rights of the child has meant that practices which respect children's rights have not yet developed.

(ii) Achievements

106. The Working Children Programme of the Ecuadorean Central Bank has launched campaigns to make adults and children aware of, and interested in, the principles and provisions of the Convention. Various projects have been designed to educate children about their rights. The Forum has executed information and mobilization activities.

107. Defence for Children International (DNI-Ecuador) has been working to introduce Rights of the Child Week into the school system. The proposal has been accepted by the Ministry of Education, and the schools are becoming progressively involved. Similar initiatives have been undertaken by NGOs and UNICEF. Traditionally, the media have devoted little space to children's issues. However, support is growing, and the subject is being given greater and more frequent attention.

(iii) Constraints

108. Even though the campaigns have played an important role in publicizing and arousing interest in the Convention, their actual impact has not been measured. The persistence, and in some cases worsening, of particularly serious situations, and also the limited demand for more and better services for children within society, reflect not only the limited awareness of the rights of children but also the low level of commitment towards children, at

every level. In Ecuador, the Convention is encountering a culture in which, historically, children have been devalued and ill-treated; changing that culture will require systematic, sustained informational activity, training and advocacy. There are practically no information materials or activities targeted at indigenous communities in their own languages.

(iv) Recommendations

109. At the national level:

(a) Promote awareness of the rights of the child from the school onwards through textbooks containing a version of the Convention edited especially for children (including indigenous-language editions), and by including the Convention in school curricula;

(b) Draw up a national plan for building skills, training and continuing education on the rights of the child; the plan should be comprehensive, intersectoral and interdisciplinary and aim at transforming cultural perceptions of the child and his rights;

(c) Design and implement a national communication plan on childhood and adolescence;

(d) Establish a network of information centres on childhood and adolescence;

(e) Reprint and distribute the compendium of national and international legal instruments on the rights of the child.

(c) Measures undertaken to make the reports widely available (art. 44)

(i) Situation

110. Ecuador is more than three years late in preparing and submitting its official report. Defence for Children International and the Forum have presented two unofficial reports which were published and distributed to organizations and persons involved with children's issues.

(ii) Achievements

111. The Technical Secretariat of the Social Front undertook the task of preparing the initial report on the implementation of the Convention. This work received technical and financial support from UNICEF. Thanks also to that support, the report was discussed at a workshop in Quito and will shortly be published to make it more widely available.

(iii) Constraints

112. There is no agency officially responsible for follow-up to the Convention. The National Development Council was made responsible for monitoring the objectives of the Plan for Children; this obligation has hardly been met.

113. There is no integrated information system to facilitate periodic follow-up of the situation of children. The information received and processed by institutions is diffuse, varied and sometimes unreliable.

(iv) Recommendations

114. At the national level:

(a) Draft, publish and distribute the report;

(b) Design and execute a communication and dissemination strategy for the report with the mass media.

B. Comprehensive care policies

1. Family environment

(a) Parental direction and guidance (art. 5)

(i) Situation

115. Under the Constitution, the State protects parents in the exercise of parental authority and oversees compliance with the mutual obligations of parents and children.

116. The Code stipulates that parents and children owe each other mutual respect. Children must obey their parents in every regard as long as that obedience does not infringe their rights. However, there are no mechanisms to enable children to exercise those rights.

(ii) Achievements

117. The stipulation that children are not obliged to obey their parents if such obedience entails a violation of their rights, and that parents owe their children respect, represents significant progress over previous legislation. In principle, the respect of the State for the autonomy of the family is conditional upon the rights of the child being realized within the home.

(iii) Constraints

118. In practice, the State is severely restricted in its ability to monitor cases where the rights of the child are being seriously violated. Whereas the Convention talks of "respecting", the Constitution refers to "protecting" and "overseeing". A paternalistic attitude prevails, one which tends to endow the State with a predominant role vis-à-vis the family, and that must be changed. The ability of the family to look after the welfare and development of its members must be respected, while State intervention should be limited to situations in which rights are being violated.

(iv) Recommendations

119. At the national level:

(a) Propose constitutional reforms in order to harmonize the Constitution with the provisions of the Convention;

(b) Ensure that child development programmes include procedures for care of children within their family environment;

(c) Implement educational programmes intended to raise awareness of the father-mother/son-daughter relationship, with the aim of improving the quality of intra-familial relationships;

(d) Promote activities aimed at strengthening the family as a provider of resources in order to contribute to the children's welfare and development.

(b) Parental responsibilities (art. 18)

(i) Situation

120. Generally speaking, in the cultural context of Ecuador, parents do not share responsibilities for the upbringing of children; rather, those responsibilities are clearly delineated. As part of the still-prevalent patriarchal system, the bulk of the responsibilities for child-rearing fall on the mother. There are no State initiatives for supporting parents in their roles, except for the day-care programmes, which cover only 6 per cent of all children in need of such programmes. Discrimination against women has a direct impact on children.

(ii) Achievements

121. Changes are increasingly apparent in the manner in which men and women assume their child-rearing responsibilities. The growing tendency for women to go out to work, and the need for an overall improvement in the situation of women, have created concrete demands for fathers to be involved in the care of their children. The National Action Plan for Ecuadorean Women includes a strategy for sharing family responsibilities.

(iii) Constraints

122. Apart from a few isolated initiatives, the State has not taken any specific action to support the sharing of child-rearing responsibilities. The culturally-imposed gender gap has made women responsible for child-rearing, thereby restricting their freedom in areas such as health, education, employment, productivity and access to power.

(iv) Recommendations

123. At the national level:

(a) Establish policies, strategies and actions aimed at improving the overall situation of women (reproductive health, education, employment, day-care services);

(b) Support working fathers and mothers by offering alternative day-care programmes;

(c) Deal with the issue of shared responsibility for child-rearing through educational programmes for fathers aimed at improving their attitudes towards children;

(d) Propose reforms to the Labour Code stipulating that men's rights and obligations will be similar to those of women in cases of maternity, with the aim of promoting shared paternity and maternity;

(e) Create procedures enabling men to assume their proper role in the care and upbringing of their sons and daughters;

(f) Improve day-care programmes, ensure their continuity and increase their coverage.

(c) Separation from parents (art. 9)

(i) Situation

124. Domestic legislation recognizes a child's right to live with his or her parents, unless that is deemed to be incompatible with the child's best interests. This right is not absolute. The large number of children reported lost or, in some recent cases, abducted is alarming.

125. Many children are placed in institutional care owing to the family's financial circumstances or because they come from "family groups at risk".

(ii) Achievements

126. The growing tendency not to place children in institutions is an important step with regard to the child's right not to be separated from his or her parents.

(iii) Constraints

127. There is no formal agency empowered to handle the frequent problem of missing children. Given the number of unresolved cases, there is speculation about such matters as trafficking in children.

128. Poverty continues to be the main reason why children are abandoned or placed in homes. However, it has been demonstrated that no institution can replace the role played by the family in a child's development, even when the family has many shortcomings.

(iv) Recommendations

129. At the national level:

(a) A public body should assume responsibility for the problem of lost children;

(b) Ensure that a child is separated from his or her parents only if that is in his or her best interest;

(c) Train programme managers and juvenile court judges to ensure that the right of a child not to be separated from his parents is respected;

(d) Promote integrated services for families at risk in order to prevent abandonment and placement in homes;

(e) Promote and disseminate information on how important it is for children to live and grow up within their own family.

(d) Recovery of maintenance for the child (art. 27, para. 4)

(i) Situation

130. The recovery of maintenance for the child is a legal obligation. Failure to provide it constitutes grounds for imprisonment. Maintenance cases represent the majority, of all cases tried in the juvenile courts.

(ii) Achievements

131. The legal mechanism for demanding maintenance is quite simple and accessible. The only debtors' prison in the country holds persons who have failed to meet this obligation.

132. The difficulties mothers used to have in recovering maintenance have largely been resolved by recovery through the banks. The law prescribes prenatal assistance for pregnant women; the child's father must provide the financial resources for his or her care throughout the pregnancy and nursing period.

(iii) Constraints

133. The mechanism for prenatal assistance is still relatively unknown and little used.

134. Despite the fact that children not legally recognized by their fathers have the same right to maintenance as those who are so recognized, the procedure for the former is much longer and more difficult. Because of constraints of an administrative nature, what happens in practice is discriminatory towards unrecognized children.

(iv) Recommendations

135. At the national level:

(a) Disseminate information on prenatal assistance;

(b) Create working procedures which enable unrecognized children to secure the same treatment with regard to maintenance as recognized children;

(c) Enhance the capacity of the justice system to settle maintenance cases.

(e) Children deprived of a family environment (art. 20)

(i) Situation

136. The right to protection of children deprived of a family environment is proclaimed by the children's Code. There are different ways of ensuring that care is provided in a family environment. Placement in homes has proved to be the most commonly used, but least desirable, way to safeguard the child's welfare, particularly from the emotional and psychological standpoints.

(ii) Achievements

137. There is a growing trend to make institutionalization the last resort for the protection of children deprived of a family environment.

(iii) Constraints

138. Indiscriminate deprivation of liberty for reasons of protection prevails in both public and private institutions. Within the institutional context, the idea persists that the value of the institution is measured by the number of children living there. The use of protection measures other than institutionalization is limited.

(iv) Recommendations

139. At the national level:

(a) Increase the use of protection measures other than institutionalization;

(b) Initiate processes of institutional restructuring and training staff to undertake the new roles entailed by the exercise of this right.

(f) Adoption (art. 21)

(i) Situation

140. Adoption is a legally recognized practice. The procedure is lengthy and difficult, owing to administrative difficulties in implementing the law. This appears to encourage illegal adoptions. There are 200 adoptions a year on

average. The ratio of international to national adoptions is 3 to 1. There are 33 adoption agencies operating in Ecuador but they have not been adequately evaluated.

(ii) Achievements

141. Adoption is viewed as a measure of care and protection to ensure the full development of children who have been orphaned or abandoned. Generally speaking, it may be stated that, where the best interests of the child are concerned, adoption is more appropriate than institutionalization.

142. Ecuador is a signatory of The Hague Convention on Protection of Children and Cooperation in respect of Intercountry adoption. The International Reference Centre on Protection of Children through Adoption has been operating in Quito since 1994.

(iii) Constraints

143. The structure of the Adoption Department of the Children's Protection Office has proved inadequate in ensuring that the adoption process is efficiently managed or that the necessary follow-up is provided for adopted children and their families. The Department's difficulties have led some adoption agencies to try to bypass it in the adoption process.

144. There is evidence that the illegal practice of child "handovers" continues to exist, but there have been no studies to show the extent of this phenomenon.

145. Adoption is to a large extent regarded as socially unacceptable and is uncommon within Ecuador. Families are reluctant to adhere to the adoption regulations, which have been designed with the best interests of the child in mind.

(iv) Recommendations

146. At the national level:

(a) Restructure and strengthen the Adoption Department so that the rules can be applied quickly and efficiently, and train its officials;

(b) Publicize the risks for children entailed in "handovers";

(c) Develop campaigns to promote and maintain national adoption as a mechanism that both protects the rights of the child and preserves his or her cultural identity;

(d) Set up support networks for adoptive families;

(e) Set up training and evaluation mechanisms for adoption agencies, as well as follow-up mechanisms for the post-adoption phase;

(f) Establish provisions to ensure that Ecuador does not sign adoption agreements with countries that are not signatories of The Hague Convention.

(g) Abuse and neglect (art. 19)

(i) Situation

147. There is an entire chapter of the Children's Code on the protection of children against abuse. However, the solution to the problem is not legal in nature, but social. Abuse of children in Ecuador is extremely common, its most usual forms being physical, psychological and emotional aggression, sexual abuse and neglect. It occurs in every area of the child's daily life: family, school, neighbourhood, transport. Limited State intervention actually serves to aggravate the problem constituting another form of child abuse and neglect.

(ii) Achievements

148. Children and young persons are surprisingly sensitive to the issue of abuse, which is raised at all available forums and opportunities for discussion. There is growing interest in abuse at school, which is being dealt with by the Ministry of Education itself. The National Office for the Protection of Pupils has recently been established.

149. The Network for the Care of Abused Children provides social, legal, medical and psychological assistance to child victims of physical, emotional and sexual abuse; however, it reaches only a small number of such children. The entry into force of the Act against Violence against Women and the Family and the setting-up of offices for women's affairs are important achievements in this area.

(iii) Constraints

150. Child abuse is a culturally accepted and justified practice. The belief persists that the best way to educate children is to be strict, which is often confused with various forms of abuse. For this reason, society's response to abuse is practically non-existent.

151. There is no clear and commonly accepted policy on the subject.

(iv) Recommendations

152. At the national level:

(a) Initiate continuing educational campaigns against child abuse with the aim of changing the adult/child relationships;

(b) Encourage the institution of legal proceedings against various forms of abuse and foster action to combat institutional abuse;

(c) Extend the coverage of the Network for the Care of Abused Children to all provinces, by incorporating new institutions;

(d) Train teachers in the subject and encourage experiences involving respect for, and realization of, the rights of the child in school;

(e) Draw up an exhaustive classification of the various forms of abuse and its consequences for the development of the child;

(f) Include in the Children's Code support measures for safeguarding the integrity of the child and the family.

153. At the local level: The ombudsman's offices should remain alert to child abuse, and publicity, training, protection activities, etc. should be developed.

2. Health Centre

(a) Survival and development (art. 6) and health and health services (art. 24)

(i) Situation

154. The right to health is regulated by law. Nevertheless, the infant mortality rate was 45 per 1,000 in 1992. The mortality rate among children under 5 was 64 per 1,000. The main causes of mortality in both groups are diarrhoea-related and acute respiratory diseases and under nutrition. In 1990, overall malnutrition among children under 5 was 34 per cent and chronic malnutrition 45 per cent. A total of 60 per cent of pregnant and nursing mothers suffer from iron-deficiency anaemia. In 1992, the maternal mortality rate was 170 per 100,000. Twenty per cent of births in health establishments were to women aged under 20.

155. Many poor people have no access to preventive health care and 12 per cent of them are unable to obtain health care owing to lack of access to public health centres and because they cannot afford private care.

156. These indicators conceal marked differences between urban and rural areas. The historical series shows an improvement in the trend although in the last three years there has been a downturn.

(ii) Achievements

157. In recent decades Ecuador has made major strides towards improving its population's health. Infant and maternal mortality rates have been declining as a result of a considerable expansion of health services and basic sanitation (clean drinking-water and latrine construction) in rural areas. Health sector reform has begun, with the aim of addressing the sector's main problems.

(iii) Constraints

158. In recent years child-health indicators have worsened. Difficulties have arisen because of shortcomings in the management of the national health system, the steady decline in budgetary allocation for health and the lack of continuity in policies.

159. Public health is centrally managed and non-participatory. There are huge disparities between urban and rural areas in the provision of basic health services.

160. The nutritional situation of children is disturbing, and health and nutrition programmes reach only 6 per cent of poor children.

161. Much greater emphasis is placed on curative measures than on preventive measures. There is no government agency responsible for the health of young persons. Poor people who turn to the private sector for care spend 12 per cent of their budget on health in urban areas and 17 per cent in rural areas.

(iv) Recommendations

162. At the national level:

(a) Strengthen management of maternal and child-health programmes (to achieve universal vaccination coverage; monitoring of growth and development; promotion of breastfeeding; antenatal, natal and postnatal monitoring, etc.);

(b) Promote measures for the prevention and treatment of diseases;

(c) Introduce reproductive health elements into basic education programmes, (sexuality, birth control, sexually transmitted diseases);

(d) Develop health programmes for teenagers;

(e) Enhance execution of the National Nutrition Plan;

(f) Increase coverage of the nutrition and day-care programmes;

(g) Give priority to the development and strengthening of primary health care programmes, including mental health, nutrition and environmental sanitation;

(h) Increase coverage and targeting of health, nutrition and psychological, social and emotional development programmes;

(i) Increase budget funds for the health sector and encourage their more efficient use;

(j) Develop procedures to improve the quality of health care;

(k) Enhance inter-agency coordination in order to improve comprehensive care for children covered by day-care programmes.

163. At the local level:

(a) Train families to enable them to develop hygiene, nutrition and disease-prevention skills and to participate in the management of public health services;

(b) Enhance delivery of health care through local agencies.

(b) Disabled children (art. 23)

(i) Situation

164. The Disability Act fully covers preventive measures, treatment and measures for the integration of disabled persons. It specifies no particular measures for children and young persons. According to the National Council on Disabilities, approximately 18 per cent of the population suffer from some form of disability. A total of 49.3 per cent of these are aged under 15. Only 5 to 10 per cent of the disabled population receive some form of care. There is no national plan for the prevention and early detection of disabilities among children. Most public and private institutions work in isolation, without a system of information and follow-up.

(ii) Achievements

165. Progress has been made in this area as a result of the establishment of the National Council on Disabilities. Laws and regulations have been adopted and policies laid down in order to help prevent disabilities, provide care and integrate disabled persons. The National Disabilities Plan has been in effect since 1992. Approximately 80 NGOs are active in this area.

(iii) Constraints

166. For a long time disabled persons have been discriminated against and have suffered from social and economic marginalization. Action by the State is very limited in all sectors: education, health, social welfare, employment. The most significant attempts to provide care have been made in the large cities; in medium-sized and small towns and in rural areas the problem has remained untouched. No comprehensive plan of action for disabled children or children at risk is operated by the child protection authorities in the public sector. The employment of disabled persons is the major problem affecting the realization of their rights.

167. The presence of a disabled person in a family gives rise to specific problems to which it is rarely possible to provide a timely and effective response.

(iv) Recommendations

168. At the national level:

(a) Support execution of the National Disabilities Plan through the development of preventive measures, care and the integration of disabled persons;

(b) Introduce specific measures for children and young persons;

(c) Carry out campaigns to overcome discrimination on grounds of disability;

(d) Remove the issue of disability from the institutional sphere through measures involving families, schools and the community, so as to provide opportunities and community-based rehabilitation programmes for disabled children and young persons;

(e) Implement a national plan for the prevention and early detection of disabilities, through a system of assessment and follow-up of the psychological, social and emotional development of children covered by national child-development, education, nutrition and other programmes;

(f) Establish a network for the prevention, early detection, treatment and follow-up of child disabilities through specialized centres in all provincial capitals;

(g) Provide for disabilities in health, nutrition, education and day-care programmes.

(c) Social security (art. 26)

(i) Situation

169. The Constitution stipulates that all Ecuadorians are entitled to social security. Social security provides coverage solely for the children of insured working women under the age of one. The Children's Code offers the possibility for own-account workers to take out voluntary coverage for their children, but the high cost of contributions prevents them from doing so.

(ii) Achievements

170. The most telling example of social security coverage for children aged under five is provided by the day-care programmes, which offer nutritional and health care, early-learning activities and day care, thus enabling women to work and thereby help to improve the family's financial circumstances. Unfortunately, only 6 per cent of children are covered by these programmes.

171. Rural social security is important in some areas of the country, as the insured person's contribution, set at about 1 per cent of his wage, provides coverage for all members of his family. Rural social security is subsidized by participants in other insurance schemes.

(iii) Constraints

172. Children do not enjoy social security protection in the broad sense of the word. The Ecuadorian Social Security Institute is in the throes of a deep crisis, as a result of which its services are limited and of poor quality, and even participants are not properly covered. Proposals to privatize social security are being considered.

(iv) Recommendations

173. At the national level:

(a) Extend the coverage provided by the day-care programmes;

(b) Introduce a public or private State-subsidized school insurance for poor families;

(c) Ensure continuity of child-development programmes, which should become a State, rather than a government strategy, to provide care for children at risk;

(d) Introduce educational programmes to develop awareness among families and the community of their role vis-à-vis social security for children;

(e) Establish strategies for the gradual implementation of article 163 of the Children's Code, in order to provide working children with insurance cards.

(d) Standard of living (art. 27)

(i) Situation

174. The Constitution guarantees the right of everyone to a standard of living that fully satisfies their requirements for survival and development. The right to life, survival and development is affected by the fact that 52 per cent of the population live in poverty or are under threat of poverty. The World Bank defines Ecuador as a poor country, since many people are unable to afford a basic shopping basket. Two out of every three people live in rural areas. More poor people are young or old than middle-aged. More than 40 per cent of all children under the age of 14 live in poverty.

(ii) Achievements

175. There is growing interest in developing effective poverty-reduction strategies. A number of programmes are being implemented to provide services for the very poor, but the means used to target them are still disparate and imperfect.

176. The Emergency Social Investment Fund has made valuable contributions to poor communities in terms of the health, education and highway infrastructure.

(iii) Constraints

177. The percentage of families living in poverty means that a large number of Ecuadorian children are denied the right to a decent standard of living. The macroeconomic achievements made have not yet helped to change the situation, on account of the growing concentration of wealth. Levels of unemployment and underemployment further increase the extent and intensity of poverty.

(iv) Recommendations

178. At the national level:

(a) Define and implement social-policy measures to promote human development;

(b) Decide on measures to improve income distribution;

(c) Review policies on allowances, which still mainly benefit people who are not poor, in order to channel allowances solely to poor families;

(d) Develop strategies to promote employment and sustained demand for labour;

(e) Increase funding for specifically targeted social programmes;

(f) Reform the Tax System Act and the Customs Act in order to re-establish the special child-care funds.

3. Education, leisure and cultural activities

(a) Education, including vocational training and guidance (art. 28)

(i) Situation

179. Primary and basic education is compulsory and free. The Ecuadorian education system comprises two subsystems, one formal (Hispanic and indigenous) and the other non-school (Hispanic and indigenous). The formal system includes regular, special and adult education. Regular education covers pre-primary, primary, middle and higher levels. Primary school enrolment in 1994 was 92 per cent, with 67 per cent completing primary school and a drop-out rate of 26 per cent. The first-grade repeat rate was 10 per cent and pre-school enrolment was 23 per cent. The illiteracy rate is around 12 per cent, but more than one third of the poor rural highland population are illiterate.

180. Only 23 per cent of all working children registered in 1990 attended school. The level of education of heads of families is closely linked to the level of poverty.

(ii) Achievements

181. In recent decades, Ecuador has made significant efforts in the field of education, as shown in particular by the expansion of formal education at all levels. Educational reform has been introduced with a view to dealing with the main problems affecting the sector, but has proved to be slow and no consensus on proposals has been reached so far.

(iii) Constraints

182. Since the 1980s, the development of the sector has lost momentum. The secondary school attendance rate is steadily declining. Quantitative progress has not been matched by quality of education. Priority has been given to funding higher education, which means subsidizing the non-poor. The unit cost of higher education is six times that of primary education.

183. More than half the country's schools are single-classroom and do not have the material resources essential to support the educational process.

(iv) Recommendations

184. At the national level:

(a) Extend coverage of basic education quality-improvement programmes to reach children excluded from the system;

(b) Develop projects to reduce repeat and drop-out rates;

(c) Strengthen adult education programmes to reduce illiteracy;

(d) Increase supply and stimulate the demand for pre-school and secondary education services for children of poor families;

(e) Require compliance with the constitutional principle of assigning 30 per cent of the State budget to the education sector (at present it is approximately 15 per cent);

(f) Give priority to primary and secondary education in allocating resources;

(g) Devise a technical-methodological proposal for the rationalization of the use of school time so as to improve the quality and efficiency of basic education;

(h) Promote vocational and job-training programmes for disabled young people;

(i) Promote education-work coordination strategies for young people.

(b) The purposes of education (art. 29)

(i) Situation

185. National legislation embodies and surpasses the education goals laid down in the Convention. The right to education is realized to a limited extent. Education is regarded as strictly a matter for schools, without regard for the importance of other educational venues. Fulfilment of the established educational goals depends on the quality of education, which is currently one of the weak points of the system.

(ii) Achievements

186. In recent years, education policies in Ecuador have focused on eliminating illiteracy, strengthening bilingual intercultural education, promoting adult basic education and vocational training, and improving the quality of basic education. There are two major projects for improving the quality of basic education, one for the rural sector and the other for the marginalized inhabitants of urban areas. There have been some limited successes with basic education.

(iii) Constraints

187. The many problems affecting the quality of education in Ecuador mean that only lip-service is paid to these objectives. In reality, children are subjected to a system of rote learning which is repetitive, devoid of any context, remote from technological advances, oblivious to individual differences, repressive and harsh. The main problems are: insufficient and inadequately trained personnel; low level of teachers' salaries; lack of coordination between the various levels of education and between training and the requirements of the labour market; over-centralization, bureaucratization and politicization of the Ministry of Education; a curriculum which is inflexible and focuses on teaching rather than learning; poor community participation in running education services; steady reduction of resources allocated to education.

(iv) Recommendations

188. At the national level:

(a) Upgrade the role of the teacher through sounder and ongoing training, access to materials, better salaries and incentives for rural teachers;

(b) Evaluate quality-improvement projects, systematizing, publicizing and extending successful experiences;

(c) Provide support for a process of continuous reform focused explicitly on the observance of the rights of the child in school;

(d) Develop pilot projects for community participation in the running of education services;

(e) Establish more coherent links between the education system and the employment market;

(f) Propose reforms to the Education Act and its regulations.

(c) Rest, leisure and cultural activities (art. 31)

(i) Situation

189. The Children's Code establishes the right to rest, play and participate in cultural activities.

(ii) Achievements

190. The social importance of recreation for children is now beginning to be recognized. Indigenous movements have embarked on the process of reclaiming their cultural and artistic heritage.

(iii) Constraints

191. There are few recreation areas for children or opportunities for them to participate in cultural and artistic life. They are limited to a few parks and green areas in cities and to cultural activities generally organized by education centres. Other activities are organized by the private sector, but at prices which place them beyond the budgets of poorer families.

192. Play and recreation for children in poor and indigenous communities have different connotations and the former often involve forms of child labour (care of small animals, domestic tasks, looking after brothers and sisters). Ignorance of the importance of sleep in the child's development means that children are sometimes not afforded the basic conditions for rest. As a general rule, there is also little awareness of the importance of play in children's development.

(iv) Recommendations

193. At the national level:

(a) Embark on educational processes for developing and promoting play as an essential activity in the formation and development of the child;

(b) Inform children and their families of the importance of sleep and rest for their development.

194. At the local level: Establish bodies for the promotion of culture at the local government level.

C. Protection policies

1. General protection

(a) Name and nationality (art. 7)

(i) Situation

195. National legislation specifically provides for this right. Children must be registered in the Civil Registry within 30 days of birth. Nevertheless, many children are deprived of this right, particularly in the rural and marginal urban sectors.

196. This principle covers the right to an identity. This is an important issue for indigenous groups, who have had to fight hard to preserve the various aspects of their cultural identity.

(ii) Achievements

197. In August 1995, INNFA, the Civil Registry, the Catholic Church, the Catholic Universities and UNICEF organized the National Right to a Name and Nationality Campaign. A rapid and free registration procedure was used to register 132,000 children, a figure slightly less than the number of late-registered children during the period 1990-1995.

198. There is an indigenous movement for the revival and observance of the values which make up their identity.

(iii) Constraints

199. Many children are not registered with the Civil Registry because of ignorance of the obligation to register children, lack of information about the disadvantages of not being registered (for the individual, the family and the community), reluctance of mothers to register sons or daughters not recognized by the father, and in some cases inadequate or non-existent registration facilities, particularly in rural areas.

(iv) Recommendations

200. At the national level:

(a) Introduce reform of the Civil Registry Act to establish a permanent, simple and free late-registration procedure available to everyone;

(b) Publicize the obligatory nature of registration and the disadvantages of failure to register for the individual, the family and the community;

(c) Organize information and publicity drives to persuade parents to fulfil this obligation and strengthen the sense of home and family;

(d) Establish procedures to enable Civil Registry registration teams to reach remote areas (jungle, rural areas);

(e) Train the staff of the Civil Registry to prevent instances of fraud (child trafficking);

(f) Support indigenous communities in setting up their own system of civil registration, as part of the official system (such an arrangement already exists with the Shuar community);

(g) In the light of the country's multicultural and multi-ethnic nature, amend legislation to guarantee the right of indigenous and black communities to preserve the values, customs, traditions and everything else which makes up their cultural identity;

(h) Establish procedures to improve the ability of parents to care for their children.

(b) Preservation of identity (art. 8)

(i) Situation

201. The law recognizes this right. Although there is little information on the question, there have been cases of new-born infants being handed over directly to persons who register them as their own children.

202. This principle is also linked with the right of aboriginal groups to preserve the elements of their cultural identity, a right which has not been completely respected.

(ii) Achievements

203. Indigenous and black movements are working to preserve their own cultures.

(iii) Constraints

204. The State has not been able to control the problem of clandestine child "handovers", the scale of which is unknown. The reasons for it may be traceable to the long and trying adoption process.

205. Little State support is given to the initiatives of social movements for the preservation of their culture.

(iv) Recommendations

206. At the national level:

(a) Develop procedures to overcome the administrative limitations of the adoption process;

(b) Develop educational activities to motivate parents to keep children within the family;

(c) Train individuals working in the health field and require health institutions to comply with the obligation to report births to Civil Registry offices;

(d) Inform the public of the risks involved in child "handovers";

(e) Organize campaigns to reassess the value of Ecuador's cultural diversity;

(f) Promote measures to ensure that the State does not evade its responsibility to preserve the identities of children;

(g) Develop education programmes for pregnant teenagers with a view to safeguarding the best interests of children, particularly those not born in an institution.

(c) Protection of privacy (art. 16)

(i) Situation

207. There is a considerable body of legislation to protect the privacy and reputation of individuals. In the case of children, this is a right which is rarely observed at any level, as evidenced most clearly in the mass media.

(ii) Achievements

208. Organizations for the protection of human rights and children are very aware of this problem in relation to the media. They campaign continuously against violation of the provisions of the Children's Code.

(iii) Constraints

209. The privacy and reputation of children are questions which are rarely considered and little understood. Although the worst offenders are the media, in the daily lives of children the greatest inobservance is found in places such as schools and the home, within a cultural context which does not recognize children as having rights.

(iv) Recommendations

210. At the national level:

(a) Undertake and publicize model legal measures to highlight the issue of respect for the reputation and privacy of children;

(b) Develop mechanisms for taking action on the first ladies' petition to the United Nations regarding worldwide monitoring of the mass media. It is essential to promote the dignity of children and the family in the media.

(d) The right not to be subjected to torture or other cruel, inhuman or degrading treatment (art. 37)

(i) Situation

211. The inviolability of life and personal integrity, the non-existence of the death penalty and the prohibition of torture or any type of inhuman or degrading treatment are provided for in the Constitution. Despite this, there have been cases of physical and verbal abuse of children and young persons in detention, of extreme torture and cruel treatment by parents or other family members, and of degrading treatment at school.

212. There are still cases of children being held in adult prisons, and of children of prisoners being deprived of freedom with their parents.

(ii) Achievements

213. In 1988, the Network for the Care of Abused Children was set up. This is a network of organizations providing social, legal, medical and psychological help to children who have suffered physical, emotional and sexual abuse. They have developed training programmes for teachers with a view to reducing abuse in schools, detecting cases of abuse in the home, helping families with this type of problem and referring cases. In December 1995, the National Office for the Protection of Pupils was set up to prevent and deal with abuse in schools.

(iii) Constraints

214. Traditional attitudes are very tolerant of the various forms of abuse and little effort is made to penalize extreme cases. Proceedings are seldom instituted against persons guilty of such practices and, when they are, they generally go unpunished.

215. There are not enough trained personnel to detect and deal with cases of child abuse.

216. Legal assistance is not guaranteed to all children.

217. Institutional abuse and acts of violence by officials against children persist where proper institutional care is not provided.

(iv) Recommendations

218. At the national level:

(a) Introduce ongoing education to prevent child abuse and modify the adult-child relationship, particularly in the areas of the family, school and community;

(b) Promote the taking of legal action against various forms of abuse;

(c) Extend coverage of the Network for the Care of Abused Children to all provinces through the incorporation of new institutions;

(d) Train teachers in this area;

(e) Develop care programmes for children deprived of their freedom as a result of the imprisonment of their parents;

(f) Promote action to prevent institutional abuse.

2. Special protection

(a) Refugee children (art. 22) and children affected by armed conflict (art. 38)

(i) Situation

219. The only existing provision regarding such children is the right of precedence, meaning the right to be accorded priority and precedence in the event of natural disasters, social catastrophes or armed conflict. Despite this, it is clear that in such situations, those most affected are invariably children. An as yet unresolved border dispute with Peru which has resulted in armed confrontations has demonstrated limitations in the capacity to cater for the affected inhabitants, particularly children. There are also cases of families from neighbouring countries being displaced by internal conflicts to the borders of Ecuador.

(ii) Achievements

220. Ecuador is a country which accords priority to the culture of peace. For this reason, the violence generated by terrorism, drug trafficking and political disputes in neighbouring countries does not exist in Ecuador.

221. The armed clashes with Peru have sparked interest in the question of children affected by war, although this interest has not yet resulted in specific guarantees. INNFA and the Ministry of Social Welfare have mobilized considerable resources for the care of children displaced by war. INNFA has set up a border project involving the opening of some 400 child development centres in the area concerned.

(iii) Constraints

222. Although the Children's Code refers to the regulations of the National Security Act in order to guarantee the right of precedence, this Act contains no specific provisions regarding children.

223. There is no evidence of action regarding families displaced from Colombia and Peru to our country by war or violence.

(iv) Recommendations

224. At the national level:

(a) Instil the culture of peace in children and young persons by conducting a campaign for the participation of children in petitioning for the permanent settlement of the conflict with Peru;

(b) Introduce into the regulations of the National Security Act specific mechanisms to guarantee the right of precedence;

(c) Devise civil defence mechanisms for the protection of children in armed conflicts;

(d) Ensure compliance with bilateral conventions with Colombia and Peru for the care of children in frontier areas;

(e) Establish community civil defence mechanisms for the protection of children.

(b) The administration of juvenile justice (art. 40)

(i) Situation

225. The Children's Code provides that minors under the age of 18 are not punishable and sets out in detail all the factors and procedures to be taken into account in cases of children in conflict with the law. The Minors' Judicial Service experiences considerable difficulty in ensuring implementation of this right. The juvenile rehabilitation system deals on average with 4,000 boys and 2,500 girls per year, of whom 30 per cent are

repeat offenders. However, a high percentage of these children become involved in the system as a result of acts not classified as offences, which demonstrates the high rate of unlawful deprivation of freedom.

(ii) Achievements

226. The Children's Code lays down a number of social reintegration measures as opposed to deprivation of freedom (although they are only just beginning to be implemented).

227. There is some interest, promoted by NGOs, in embarking on the transition from a "law-breaker" policy to a policy of overall protection. This policy does not involve any weakness in dealing with child offenders, but rather a firm, fair and timely approach combined with an effective social reintegration strategy. The Department for the Protection and Defence of Minors and the Terciarios Capuchinos religious community are embarking on the implementation of a social-educational model for the rehabilitation of children and adolescents with a view to establishing non-custodial programmes and enhancing social reintegration. The European Union is providing major funding for this programme.

(iii) Constraints

228. The human, technical and financial resources, infrastructure and facilities of the Minors' Judicial Service and of the Rehabilitation Department of the Children's Protection Office are completely unable to cope with social needs.

229. There is a backlog of cases and procedures are slow.

230. Emphasis continues to be placed on dealing with law-breakers, maintaining public order and law enforcement.

231. There are a large number of children and teenagers unlawfully deprived of their freedom.

232. The system for rehabilitation of child and teenage offenders is not meeting its goal of social reintegration.

(iv) Recommendations

233. At the national level:

(a) Support the implementation of the social-educational proposal put forward by the Terciarios Capuchinos and the Children's Protection Office;

(b) Release children and teenagers detained for reasons not considered as offences;

(c) Establish a support service to follow up children who have been released and not covered by the rehabilitation system, as well as those leaving the system;

(d) Establish a support service to perform a detailed follow-up of cases and the observance of procedures and rights established for these children and young persons.

234. At the local level: Require the Children's Protection Office to designate specific places for the detention of minors in all provinces, in order to avert their detention in adult prisons.

(c) Physical and psychological recovery and social reintegration (art. 39)

(i) Situation

235. Legal mechanisms exist for the recovery and reintegration of children and adolescents, particularly in cases of abuse and conflict with the law.

236. National experience in this area is scanty and narrow in scope.

(ii) Achievements

237. The Network for the Care of Abused Children and the Juvenile Rehabilitation System are considering recovery and rehabilitation measures.

(iii) Constraints

238. The scope and effects of the recovery and reintegration programmes are limited.

(iv) Recommendations

239. At the national level:

(a) Undertake publicity campaigns on the effects of abandonment, exploitation, abuse, ill-treatment and armed conflict on children and adolescents and on the need for assisted recovery and rehabilitation procedures for both victims and perpetrators;

(b) Set up recovery and social integration mechanisms for each group of children affected by these serious violations of their rights, with emphasis on community and family action and avoiding, as far as possible, custodial measures. These mechanisms must also enable the child to play a leading role in his own recovery;

(c) Promote the use of non-custodial alternatives for abandoned children, such as foster homes, placement with families and reintegration into the family.

240. At the local level: extend care services within the official ombudsman structure.

(d) Periodic review of conditions of detention (art. 25)

(i) Situation

241. The law provides that children placed in custody for their protection or rehabilitation have this right. The review of detention conditions is a practice that is slowly gaining ground.

(ii) Achievements

242. There is a growing tendency on the part of institutions to recognize the importance of periodically reviewing detention conditions, as well as the advantages of other measures.

(iii) Constraints

243. In the social context, the "law-breaker" doctrine still prevails, whereby the community expects control and supervision to be exercised over children who have been placed in institutions for their protection or rehabilitation. Alternatives to institutionalization are viewed with distrust.

(iv) Recommendations

244. At the national level:

(a) Develop procedures to facilitate the transition from the "law-breaker" doctrine to the "overall protection" doctrine in order to promote recognition of the responsibility of society and the State to ensure the exercise of all rights by all children and young persons;

(b) Strengthen the internal mechanisms of custodial institutions and of the juvenile justice system for the periodic review of such measures;

(c) Promote the reduction of time spent in institutions in accordance with established objectives and seek non-custodial alternatives. Strengthen supervision of institutions by the State.

(e) Economic exploitation, including child labour (art. 32)

(i) Situation

245. Although the law provides for protection of children against economic exploitation, in 1990 there were approximately 800,000 child and teenage workers between 8 and 18 years of age, representing 30 per cent of their age group. Child labour begins at an early age. Many child and teenage workers are known to perform their tasks in intensive shifts for more than 40 hours per week and 90 per cent of them are paid less than the minimum wage. In 1990, only 23 per cent of working children attended school. Child workers need two years to complete a grade. The health of these children is also affected by the type of work they do. All these factors represent serious obstacles to their normal development. Child labour is a growing phenomenon.

(ii) Achievements

246. Child labour and economic exploitation are becoming recognized as one of the main problems affecting children in Ecuador.

247. Studies, workshops and debates are being organized systematically, and working groups have been set up to determine courses of action and policy options.

(iii) Constraints

248. Ecuador has no official policy on child labour. The problem is approached in a way that, far from providing effective protection, has in fact legitimized child labour, even for small children. The coverage of programmes and projects is insignificant compared to the extent of the problem, and is geared mainly towards assistance. Poverty, low family incomes and the shortcomings of the education system encourage child labour.

249. The Ministry of Labour is not taking any action regarding child labour.

250. Social security covers barely 6 per cent of working children.

(iv) Recommendations

251. At the national level:

(a) Formulate a national policy on child labour to stop all work by children under the age of 12, and provide protection and training for working minors between the ages of 12 and 18;

(b) Establish procedures for monitoring the working conditions of children;

(c) Strengthen links between the issues of child labour and education;

(d) Increase community awareness of the problem of child labour;

(e) Promote close links between working children and their families;

(f) Implement training programmes that are flexible and compatible with the needs and demands of working children;

(g) Extend coverage of quality health and education services to all working children;

(h) Consolidate processes for the organization of working children;

(i) Promote processes that force the education system to recognize the special needs of working children;

(j) Prevent the economic exploitation of children with some sort of disability (e.g. those forced to beg).

(f) Drug abuse (art. 33)

(i) Situation

252. The Children's Code stipulates that parents, primary schools and high schools are responsible for providing guidance to children on drug addiction and for making drug-abuse prevention programmes available to them. Children and teenagers who abuse drugs have to be institutionalized for detoxification and rehabilitation for as long as necessary.

253. While drug abuse does exist, there is a greater incidence of alcoholism in Ecuador. Teenagers are frequently induced to consume alcohol, even by their own families.

(ii) Achievements

254. The Ministry of Education has a National Drug Abuse Prevention Programme, although regrettably it is only occasionally active. Several NGOs work in the area of prevention and care for children and young people suffering from drug addiction.

(iii) Constraints

255. There is no information on the involvement of children and teenagers in drug production and trafficking. Drug abuse appears to be a subject with a low profile. There are few therapeutic care services for children and teenage drug addicts.

256. Society is extremely permissive and even encourages the consumption of alcohol. Virtually no action is taken to deal with the problem.

(iv) Recommendations

257. At the national level:

(a) Organize drug and alcohol abuse prevention campaigns;

(b) Investigate the involvement of children and teenagers in drug production and trafficking, the magnitude and intensity of the problem of drug addiction among children and teenagers, and the need for information and rehabilitation services;

(c) Implement treatment programmes for child and teenage drug addicts;

(d) Strengthen the National Drugs Council so that it can undertake information and training activities to prevent drug abuse, in coordination with other institutions;

(e) Train teachers in drug-abuse prevention.

(g) Sexual exploitation and sexual abuse (art. 34)

(i) Situation

258. The Criminal Code and Children's Code lay down penalties for the sexual exploitation and abuse of children and adolescents. A survey conducted by DNI in 1990 found that almost 30 per cent of children and adolescents have been the victims of some form of sexual abuse, most of which was committed by members of their own families or by acquaintances.

259. Although there is no further information on children and adolescents who have been the victims of sexual exploitation, there is evidence that it is a growing phenomenon.

260. Given that sexual abuse and exploitation are illegal forms of behaviour conducted in secret, this is a subject that has escaped the control of the State.

(ii) Achievements

261. The Network for the Care of Abused Children also deals with sexual abuse. Regrettably, there are hardly any specialized staff to deal with the issue of sexual abuse in an integrated manner.

(iii) Constraints

262. The State has been unable to guarantee children their right to protection from sexual exploitation and abuse. The fact that much of the abuse is perpetrated by members of the child's family makes action difficult, because families tend to try to hide the problem. There is ignorance about what to do and whom to go to in cases of sexual abuse.

263. This issue is a social taboo representing the most denigrating and corrupt forms of the exercise of adult power over children.

264. There has been practically no experience of working with child and adolescent victims of sexual exploitation. Society prefers to deny the existence of the problem.

(iv) Recommendations

265. At the national level:

(a) Take actions to prevent sexual abuse;

(b) Extend the services of the Network for the Care of Abused Children;

(c) Encourage actions within the school so that children learn to identify and report situations of abuse;

(d) Take actions for the protection and reintegration of children and adolescents who have been the victims of sexual exploitation;

(e) Investigate thoroughly the subject of sexual exploitation and abuse and propose strategies and programmes for the prevention, care and rehabilitation of children affected by those situations;

(f) Ensure that, in the hospitals and health-care centres where the Network for the Care of Abused Children is operating, there is a minimum number of professionals (social workers and psychologists) working exclusively on issues of abuse.

(h) Sale, trafficking and abduction (art. 35)

(i) Situation

266. The Children's Act states that mechanisms must be created to prevent and punish trafficking, abduction, sale or other ill-treatment of children. No further information is available on the subject.

(ii) Achievements

267. There is growing public interest in the subject, and a clear-cut repudiation of violations of the child's rights in this regard. The media are supporting campaigns against the traffic in children and organs.

(iii) Constraints

268. There is no public authority in charge of these issues. Recent cases of the sale and abduction of children published in the news media have highlighted the difficulties of the police in attending to and resolving these cases satisfactorily. Between 1989 and 1991, more than 400 disappearances were reported, of which only half were solved. The Criminal Investigation Office classifies the rest of them as "vanished children".

(iv) Recommendations

269. At the national level:

(a) Conduct investigations aimed at providing information on these phenomena;

(b) Disseminate information on precautionary measures families should take to protect their children;

(c) Punish these offences severely;

(d) Support the creation of institutions to deal with the question of missing children, wherever required.

(i) Children belonging to a minority or an indigenous group (art. 30)

(i) Situation

270. Between 10 and 20 per cent of the Ecuadorian population is indigenous. There are more than 20 ethnic groups that have been excluded from the political, economic and social scene and comprise the segment of the population most affected by poverty.

271. Indigenous households are more likely than others to be poor. The rates of illiteracy, infant mortality, malnutrition are much higher and the lack of services much more marked among the indigenous populations. Although national law emphasizes non-discrimination, legislation on juveniles does not provide for any specific type of treatment for indigenous children. The only stipulation is that their customs and traditions are to be observed and that the traditional authorities of the community are to be consulted on matters and decisions concerning indigenous children.

(ii) Achievements

272. For the past several years, there has been a growing indigenous movement for the recognition of indigenous civil, political and economic rights and renewed interest in their own culture. The creation of the Secretariat for Indigenous Affairs and the existence of the Bilingual Intercultural Education Department are intended to promote these rights.

(iii) Constraints

273. The problems encountered by bilingual education include limited coverage, a shortage of teachers and poor teacher training, the lack of reading materials and an inability to meet the educational needs of the various indigenous groups. Indigenous children within the Spanish-language education system are forced to use Spanish. Problems of discrimination result in indigenous families preferring their children to speak Spanish rather than the indigenous languages and adjust to Western culture, at the expense of their own.

(iv) Recommendations

274. At the national level:

(a) Strengthen those aspects of bilingual education that will enable coverage to be extended to the various indigenous groups;

(b) Give bilingual education the resources needed to guarantee the right of indigenous children to instruction and textbooks in their own languages;

(c) Encourage renewed interest in local cultures and ethnic groups;

(d) Encourage the Secretariat for Indigenous Affairs to take actions on behalf of indigenous children.

D. CHILD PARTICIPATION POLICIES

1. Freedom of expression (art. 13) and respect for the views of the child (art. 12)

(i) Situation

275. The rights to freedom of opinion and the expression of views are constitutional principles for all persons. However, children have few opportunities either to express their opinions or to have them taken into account.

276. An authoritarian attitude towards adult power prevails, which calls for a sustained effort to ensure consideration of the views of children if there is to be any change in how that power is wielded. Society does still not believe in the ability of children to form their own opinions on matters affecting their lives and that of their community, and evidence of the exercise of that right is interpreted as a sign of adult influence and manipulation.

(ii) Achievements

277. The Children's Code guarantees children and young persons the right to freedom of expression. Some children's movements have won greater freedom of expression and opinion for themselves, and society is beginning to acknowledge the child's voice. In 1990, the Working Children Programme and DNI organized the first children's elections, in which 186,000 children voted on their rights. Since 1991 the Working Children Programme has organized national summits of children and young people in which children have been able to express their opinions and make proposals. These summits were as follows: 1991, "Today it is our turn to speak", in which 50,000 children formulated an action plan for the decade; 1992, "Joint summit for a common dream", which involved children in defending the Children's Code and the environment; 1993, "If we change, everything changes", in which youth leaders debated issues of education, work, democracy and social leadership and drew up a plan for training and labour market participation; 1994, "I am a citizen, I am a national priority", in which children proposed constitutional reforms; 1995, "The Ecuador we love", in which young people prepared their own political agenda for submission to the presidential candidates in the forthcoming elections. All those summits and local workshops represented the clearest possible expression of the implementation of the rights relating to participation: the right to have an opinion, to have that opinion taken into account, to receive appropriate information and to associate and meet with others freely. DNI is preparing an opinion poll, which will provide valuable data on what children and young people think about the issues affecting their lives and that of their community.

(iii) Constraints

278. Realization of the right of the child to express his or her views freely encounters constraints in various aspects of daily life. There is little recognition by society of the importance of the opinion of the child in the areas affecting his or her life.

279. Opinion polls or surveys on various issues never take account of the opinion of the child.

(iv) Recommendations

280. At the national level:

(a) Create standing mechanisms for consulting children and young people on the issues affecting their lives (for example, educational reform, reform of the health sector, Religious Freedom Act);

(b) Promote changes within the school and family settings in adult awareness of and attitudes towards the opinions of children and young people such that those opinions will be respected, accepted, appreciated and taken into account;

(c) Organize sustained initiatives aimed at changing cultural views of the opinions of children and young people and securing recognition of the progressive development of their ability to exercise their rights with increasing autonomy;

(d) Foster actions that promote greater participation by children and young people and coverage of the issues related to them in the media;

(e) Design ongoing educational activities which will allow children and young people to recognize themselves as having rights.

2. Access to appropriate information (art. 17)

(i) Situation

281. Although the law provides for children's right of access to appropriate information, such access is not only limited for children and young people but absolutely unequal. The media demonstrate little commitment to their responsibility in this regard.

(ii) Achievements

282. Some children's supplements distributed with national newspapers contribute to the realization of this right, although they do not reach the rural areas. Valuable material is beginning to be produced for children, but its cost only reinforces inequality of access. The media are beginning to be interested in publicizing issues related to children.

(iii) Constraints

283. The criteria used by the mass media not only contribute to the non-realization of this right, but also encourage the dissemination of programmes and materials that are harmful to the healthy development of children and young people.

(iv) Recommendations

284. At the national level:

(a) Create a publishing house for publishing and distributing materials for children and young people;

(b) Promote processes for democratization of information for children and young people;

(c) Bring pressure on the media to assume their responsibility vis-à-vis this right;

(d) Promote the incorporation of information mechanisms and access to technology in the school system;

(e) Develop strategies that encourage schools to take on a major role in ensuring the exercise of this right.

3. Freedom of thought, conscience and religion (art. 14)

(i) Situation

285. The Constitution and the Children's Code proclaim the right to freedom of thought, conscience and religion. Generally speaking, there is sufficient tolerance in today's Ecuador for groups representing various schools of thought, conscience and religion to co-exist peacefully. A Religious Freedom Act was recently adopted which allows families to ask the educational institutions for the religious education they feel is suitable for their children.

(ii) Achievements

286. There is increasing interest in seeing that this right is recognized, particularly in specific sectors of society. The parallel development of progressive autonomy and age is recognized.

(iii) Constraints

287. Schools and teachers, families and parents rarely create the conditions for the development and expression of a child's own thinking.

288. There is insufficient concern for the development of intelligence within educational circles. Children are not offered alternatives or the tools to use their own judgement in making appropriate choices.

(iv) Recommendations

289. At the national level:

(a) Encourage the development and expression of children's own thinking within schools and families;

(b) Work with children in developing their intelligence, by providing them with the input and tools that will enable them to form their own judgements on the various issues in their lives and to choose, from among the enormous number of possibilities, those most appropriate to their situation, needs, beliefs, conscience, religion and so forth;

(c) Encourage educational activities that foster the development in children of a democratic, tolerant personality which is respectful of diversity.

4. Freedom of association and peaceful assembly (art. 15)

(i) Situation

290. The right of the child to freedom of association and peaceful assembly is proclaimed by law. Children and young people exercise this right for various purposes (cultural, productive, social, religious, recreational and school-related). The Ministry of Social Welfare is required to maintain a list of associations and to regulate their operation.

(ii) Achievements

291. Children and young people develop their own means of association, although there are also institutions that create such opportunities for them, including religious communities, NGOs, popular organizations, schools and the Working Children Programme. The results of exercising this right, both as a means and as an end, have generally been shown to be of great educational value.

292. The secondary schools have student councils that represent the students, and there is also a Federation of Secondary School Students (FESE).

293. As part of the strategy for improving the quality of basic education in marginal urban areas, a school government plan has been initiated.

(iii) Constraints

294. Society is generally unaware of the need for children and young people to organize and associate for various purposes. No association has ever been registered with the Children's Protection Office, nor have the corresponding regulations been issued, although there are some organizations recognized by society, such as FESE.

295. The educational institutions do not respect the autonomy of student associations.

296. The rise in children's and youth gangs and their growing levels of violence have led society to stigmatize the natural forms of association among children and young people.

(iv) Recommendations

297. At the national level:

(a) Encourage and promote children's and young people's participation through various forms of association;

(b) Legalize and respect children's and young people's associations;

(c) Promote the creation of forums where children can be represented locally and nationally.

III. CONCLUSIONS AND MEASURES TO BE TAKEN

A. Conclusions

1. In the economic sphere

298. The implementation of the current economic model has stabilized the national economy, but has proved too weak as yet to reduce poverty and begin redistribution of income.

2. In the political sphere

299. The country is experiencing a crisis in which the legitimacy of its representative institutions is being questioned and there is a lack of leadership. Social movements are marked by a strong trend towards individualization, discarding the universal principles around which communities were organized in the past.

300. Only recently has the Convention on the Rights of the Child begun to be used as a basis for public policy and specific programmes for the survival, development, protection and participation of children and teenagers.

3. In the social sphere

(a) Legal matters

301. The Convention on the Rights of the Child has been the most important reference point in the preparation and adoption of the new legislation on minors.

302. Despite the great progress made in protecting children in legal terms, certain limitations in the Children's Code are beginning to be noted which make it difficult to implement: lack of mechanisms for ensuring the exercise of rights, continuation of centralized systems for policy, programme and project management and the administration of justice; lack of financial provision; dearth of areas where children and communities can work together to defend the rights of children and teenagers. There is virtually no evidence of any decisions being taken with the best interest of children and teenagers in mind.

(b) Institutional matters

303. The prevailing concepts, working methods, institutional structures and management styles considerably limit programmes' effectiveness and efficiency and run counter to the new child-centred ethic advocated by the Convention. This applies to both governmental and non-governmental sectors. There are fortunately definite indications of growing concern about these inadequacies and an emerging debate on them.

304. The diversity of public and private institutions responsible for defining policies for children and implementing programmes and projects has raised problems of fragmentation, coordination, duplication and continuity.

(c) Resources: financial, human, material

305. Financial resources earmarked for social programmes have been gradually decreasing, which has affected the coverage and quality of basic services in particular.

306. The special funds for children, such as the Children's Nutrition Fund (FONNIN) and the Children's Development Fund (FODINNFA), have been hard hit by the changes in the Income Tax Act and the Customs Act, which eliminate a large part of their income sources. In addition, the resources that used to be paid into the FODINNFA account are today paid into a single State account, so that funds which were allocated directly to social programmes for children now have to be negotiated with the Ministry of Finance.

307. Few social workers are trained in the rights of children and young people. The programmes lack material resources for improving and modernizing management.

(d) Information, communication and social mobilization

308. The country does not have an overall follow-up system for social matters. Each institution handles an immense diversity of indicators, which are processed slowly and are generally unreliable.

309. The Convention on the Rights of the Child is a little-known instrument. There has been little attempt to publicize its contents.

310. The level of citizen participation is quite low. Society's lack of democratization can be seen in the non-observance of citizens' rights and duties. The various social institutions are gradually losing their credibility. There are fewer and fewer issues which command support, commitment or consensus.

311. The establishment and strengthening of the Ecuadorian Standing Forum of Non-Governmental Organizations for and of Children and Young Persons, which comprises more than 80 organizations and many individuals working in support of children and young persons, is an important step forward in the defence, promotion and enforcement of children's rights.

4. In children's daily lives

312. Situations that seriously undermine the rights of children and adolescents persist: child labour on an alarming scale, frequent ill-treatment in all areas in which children and adolescents are involved, lack of access to basic services, exclusion from the education system, sexual exploitation and abuse, a system for the rehabilitation of children and adolescents that does not re-educate discrimination in particular against indigenous, disabled and poor children and adolescents, separation from families for reasons of poverty, high infant and maternal mortality, malnutrition, illegal adoptions and social insecurity.

313. There are few areas in which children and adolescents can exercise their right to participate.

B. Measures which the State and society will have to take in order to further the process of guaranteeing the rights of children and young persons

1. In the economic sphere

314. There is no doubt that the economic policy introduced in this country a few years ago and pursued more aggressively by the current Government is producing significant results in the area of macroeconomic stabilization. The World Bank states that intensive macroeconomic growth in the field of labour is the most important prerequisite for reducing poverty, as it creates job opportunities and higher wages for the poor and also provides the resources needed to expand social programmes and selective measures. It has also been shown that it is much more difficult for the poor to protect their income and assets when economic growth is slow.

315. Nevertheless, economic growth is not the only factor determining levels of poverty, particularly given the unequal distribution of wealth and lack of access to basic social services. The Poverty Report indicates that, if the current per capita growth rate were to be increased from 1 per cent to 3 per cent over five years, poverty could be reduced from 35 per cent to 26 per cent. If, however, the share of the poorest 40 per cent of the population in total consumption decreased from its current level of 16 per cent to 10 per cent, poverty would increase to 40 per cent in five years, despite a per capita growth rate of 3 per cent.

316. This confirms the need to link economic policy much more closely with social policy. Only job creation, access to quality social services for the poor and social integration can bring about changes in the unequal distribution of wealth and create the conditions for sustainable economic growth and human development.

317. The report suggests that the country could mobilize a considerable volume of resources through the reallocation of allowances, which mainly benefit the non-poor, the elimination of value added tax exemptions, the reduction of tax evasion and the use of targeting as a tool for reducing the costs of social programmes. These resources should obviously be channelled into the financing of social programmes.

318. The challenges of development require social, economic and political conditions guaranteeing the participation of all social actors in both the process and benefits of development.

2. In the political sphere

319. It has become urgent to seek a much more direct system for dealings between the State and society. To achieve a more direct form of democratic representation, political parties must be redefined and brought much closer to the social actors and society and its organizations must be strengthened.

320. The majority of the Ecuadorian population are living at levels of poverty such that most of their demands do not go beyond the subsistence level. The challenge is for development to take the public's demands and obligations into account, because people are entitled to much more than subsistence.

321. Reforming the political system requires reforms of the Political Parties Act and the Elections Act, as well as radical changes in the style and content of political life. It is indispensable to allow for decentralization, public participation and technical capacity for development planning.

322. Directly representative democracy appears to be the solution for enabling the entire population to achieve the exercise of its right to democratic freedoms.

3. In the social sphere

(a) Legal matters

323. Initiating a revision of the Children's Code is a priority task in establishing the necessary mechanisms for guaranteeing the full implementation of the Code and the enforceability of the rights contained in it. If the mechanisms point up the need for reforms, such reforms should be proposed, discussed and approved.

324. It is also necessary to begin a review of all legal instruments with direct implications for children (Education Act, Health Code, Civil Code, Criminal Code, Labour Code, etc.), to ensure that they do not contradict each other and that children are properly protected by all of them.

(b) Institutional matters

325. Conceptual changes. A serious effort must be made to systematize the progress made in designing policies, programmes and projects for children. At the same time, there is a need to review, introduce and take up new theories and approaches to enrich the work in this area. The following are worthy of mention:

(a) Comprehensive protection theory: guaranteeing all individuals the exercise of all their rights. All rights are equally important and indivisible, and the welfare and development of children cannot be separated;

(b) Gender focus: strengthening the human development of women to reduce disparities and achieve better results in the development of children;

(c) Family focus: strengthening families as protagonists in ensuring the full development of their members;

(d) Sustainable human development: human development requires the establishment of an atmosphere conducive to human beings enjoying long, healthy and creative lives; "sustainable" adds the concept of concern for future generations, so that what we do today does not hurt, but also enhances, such possibilities for them;

(e) Best interests of the child: guaranteeing the constitutional principle that the rights of children take precedence over the rights of others;

(f) Participation of children: promoting respect for, and appreciation of, the participation of children in everything that affects their lives, both as a means, to enable them to exercise their other rights, and as an end, to educate them and build a democracy.

326. Methodological changes. Under the "lawbreaker" approach and in the context of social management in general, policies concerning children were for a long time conducted as public welfare mechanisms, and as means of dealing with children's deficiencies and controlling "offenders". The transition to comprehensive protection of children requires methodologies conceived in terms of comprehensive individual and social development, as well as enforceability of rights.

327. Changes in institutional structures. Implementing the Children's Code requires a reorganization of the institutional structure (at the executive and judicial levels and among organizations of civil society), which has not yet been achieved. The following are the activities that should be undertaken in the framework of the reorganization process:

(a) Amend the constitution of the National Council on Children to make it a supraministerial entity, administratively and financially independent and more broadly representative, in order to guarantee its authority as the leading body on children's issues and ensure that activities in the sector will be integrated and multisectoral;

(b) Reorganize the Children's Protection Office with a view to performing efficiently the tasks of protection and rehabilitation of children and young people;

(c) Seek to strengthen the administration of juvenile justice to make it efficient and effective in providing comprehensive protection for the rights of children and young people;

(d) Establish the children's district courts and tribunals provided for in the Code;

(e) Review the composition of the children's district courts and tribunals (lawyer, doctor and educator) to determine whether it is the most appropriate for the administration of justice and propose any reforms deemed necessary;

(f) Extend the coverage of children's services to all provinces;

(g) Require all private and community-based organizations to meet their obligation to register and receive authorization for their programmes, and to provide an account of their activities;

(h) Define the role played by other institutions, such as Congress and local governments, in child-related policies.

328. Changes in management. The institutions dealing with social matters in general and children's matters in particular need to be more effectively and efficiently managed. This involves incorporating aspects such as:

(a) Establishment of an agency to address and resolve the question of social exclusion and propose effective alternatives to proposals for reducing or dismantling policies which have proved their integration capacity by providing access to universal social services. In order to establish such an agency, its role would have to be justified with respect to society and the State, it would have to play a leading role in taking decisions on the allocation of resources, and government provision of social services would have to be reorganized on the basis of prospective and current needs;

(b) Targeting, to concentrate resources on the neediest population groups;

(c) Decentralization to make management of social matters more efficient by redefining the central authority's role and strengthening the local authorities' capacity;

(d) Participation by the public to involve the community in the management of social services, to generate demand for more and better services for children, and to monitor public policies and programmes.

It is also necessary to revitalize the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, as the programme reference for policies on children. Fulfilling its goals should be a matter of the highest national priority.

(c) Resources: financial, human and material

329. Policies on children require the allocation of considerable resources over a sustained period of time. It is a basic responsibility of the State to guarantee that these resources will be provided for in the general State budget. The steady trend towards decreases and reduction must be reversed.

330. Multilateral and bilateral cooperation, the international banking system and the United Nations system must also base their assistance on the priority goal of helping the country provide the very poor with quality social services.

331. Discussion is currently focusing on the urgent need to restore the special funds for children's programmes. At the same time, the National Council on Children is beginning to study the possibility of establishing mechanisms to guarantee the necessary flow of resources, such as the Municipal Children's Fund (FOMUNI), which is financed by means of a small percentage of the property tax. This proposal would make available useful resources to be channelled into strengthening local governments' capacity to conduct children's programmes.

332. Where human resources are concerned, it is essential to begin systematic training, not only to develop theoretical knowledge but to radically change existing practice. This training and education process should extend to all sectors and levels: juvenile court judges, supervisory, technical and auxiliary staff in governmental and non-governmental programmes, politicians, police officers and social workers at the central, regional and local levels. We stress the need for these to be systematic and sustained processes, because if the ultimate goal is to introduce a new ethic and new skills into work in support of the rights of children and young people, a few workshops are not sufficient to change many years of professional, institutional and political practice. Improved training of human resources at the local level is especially important. Considering the interest in local governments gradually taking over the management of social services, with administrative and financial autonomy, it is essential that their personnel should be capable of performing efficiently.

333. The needs for material resources in child-related matters are many. The automation of the juvenile justice system, at the end of a century of technological revolution for the benefit of mankind, is not an impossible task and would be of great help in modernizing the service. Improvement of the education and health infrastructure, adequate provision of educational materials and health supplies (vaccines, syringes, oral rehydration serums, anti-parasite products, etc.) should also be priorities for the sector.

(d) Information, communication and mobilization of society

334. A social information system must be developed which will provide political leaders with timely and accurate information on the effects of their management and enable them to take decisions on that basis, and give the public sufficient tools to assess the performance of those who govern them and demand rectifications. This system of social monitoring indicators must also be able to provide information for follow-up of the country's commitments at the national and international levels in matters involving children, the environment, social development, gender, etc. The information should also be as disaggregated as possible, in order to support targeting and decentralization.

335. The contents of the Convention on the Rights of the Child, the Children's Code and other instruments for protecting the rights of children

should be widely publicized. The task of raising awareness and knowledge of, and commitments to, the rights of children and young people should be tackled systematically. In this connection, particular emphasis should be placed on work with politicians and the media, and on the environments in which children and young people live their daily lives, such as the home, the school and the neighbourhood.

336. Mobilizing new and organized social actors - businessmen, trade unions, professional associations, indigenous communities, women, political parties and the media - in support of children's rights is an urgent task. Only when children's rights cease being the exclusive responsibility of the State or NGOs and become a matter of concern to all of us will we be able to show our children and young people, and the national and international communities, that the rights of children and young people in Ecuador are important.

337. Our commitment to children requires us to turn the Convention on the Rights of the Child from a declaration into a tool, from a tool into action and from action into the full realization of all rights for all children and young people.